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TASK FORCE ON LABOUR RELATIONS
(under the Privy Council Office)

STUDY NO. 1

BROADCASTING — AN INDUSTRY STUDY

BY

RUBY S. SAMLALSINGH M.A.

Dominion Bureau of Statistics

OTTAWA

OCTOBER 1968

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PREFACE

This study was started in the Spring of 1967 and concluded by mid-November of that year. So much has taken place in the industrial relations scene in the meantime that to attempt to bring the subject up to date would have required extensive rewriting. Consequently, it was decided to publish the original manuscript. In a dynamic situation such as prevails in this industry there is bound to be important changes taking place in the time lag between completion and publication.

So many persons have assisted me with this study that to mention them all by name would be tedious. I have talked to union officials and to rank and file union members as well as to management personnel in both the public and the private sector. These people have without exception, been extremely helpful and cooperative. I wish to express my gratitude and appreciation for the interest they have taken in the project and the advice and guidance they have given. Sincere thanks are also due to the Secretary of the Canada Labour Relations Board for facilitating access to the files of the Board and for his willingness at all times to answer my questions.

Special thanks are due to my Research Assistant, Mr. James Allen, whose help in collecting data at the early stages of the research and clarifying points of the labour legislation was invaluable.

RUBY S. SAMLALSINGH

OCTOBER 1968

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INTRODUCTION

Industrial relations in broadcasting is as new and as fascinating as the medium itself. Trade unionism entered the industry late in the day, but it has made some revolutionary break-throughs in the fifteen years since it appeared on the scene and has set some precedents which might well be of more than passing interest.

The evolution of two distinct types of industrial relations which function side by side of each other is perhaps one of the more interesting innovations. As a matter of convenience these types may be classified as formal and informal. At the informal level are a number of relationships, institutions and procedures which are not provided for by the legislation which governs labour relations in federal industries, the category within which the broadcasting industry falls. Examples are the negotiation of collective agreements by supervisory and professional personnel and by certain groups whose employment is on a contractual basis. Although they are excluded by the Industrial Relations and Disputes Investigation Act, (IRDI) all these groups practice a vigorous brand of trade unionism.

An important part of this study is concerned with analysis of these practices which have sprung up outside of and are a departure from the principles, policies and rules of the law. The circumstances and events which accompanied these developments will be subjected to close examination and the outcome evaluated in the light of existing legislation.

Of no less importance is the description and analysis of labour relations at the formal level. This will be concerned with those groups whose interaction at the work place is covered by the IRDI Act. These are

the groups who meet the definition of "employee" as defined by the Act, who go through the normal procedures of certification by the Canada Labour Relations Board (CLRB) and compulsory recognition by the employer. At both the formal and the informal level of industrial relations, the institutions and procedures will be examined and identified and discussed in the light of public policy and the public interest.

Environmental factors are known to have important bearing upon the nature of labour-management conflict and accommodation. Chapter I therefore consists of a discussion of the structure of the broadcasting industry. The nature of the product and the size and quality of the labour force are examined. Governmental regulation and the degree of competition are relevant economic factors which influence the level of employment and the nature of the relationship. These features therefore, constitute the subject matter of the first chapter and are a necessary background against which the study of the labour-management relationship is conducted.

Chapter II contains a detailed description of all the parties to the collective relationship. These include the unions which are already in the industry as well as those which are attempting to gain entry. Various governmental bodies which have been established to facilitate the industrial relations process are described and their role examined and evaluated in the light of the legislation under which they function.

Chapter III examines the methods and procedures used in resolving conflicts which arise through clashes of interests and goals. The negotiating process and the conciliation procedures are examined.

In Chapter IV the outcome of the bargaining process is discussed in terms of the allocation of awards. It comprises a description of the substantive standards and is concerned with the level of awards as well as with changes in those levels.

Chapter V discusses the Talent Unions—those groups which function at the informal level. The manner in which these groups gained voluntary recognition and the achievements which they have attained are described and analyzed in light of existing legislation.

Chapter VI deals with the Producers' Associations and is largely concerned with the Montreal Television Producers' struggle for recognition. It contains a description of the circumstances leading up to the now famous Producers' Strike. Considerable discussion also centres around the arbitration of the dispute and the nature of the settlement.

The last Chapter briefly summarizes the findings of the study. It attempts to define and discuss the major problem areas in a manner designed to facilitate identification and to clarify the issues.

CHAPTER I

THE ECONOMIC ENVIRONMENT

Several important features characterized the broadcasting industry in Canada and influence its organization and structure. Foremost amongst these is the fact that television channels and radio frequencies are scarce national resources which the public is entitled to control and regulate; that the number of such frequencies and channels is at present limited; that the country is committed to a system of public and private broadcasting; and that only a small proportion of the output of the industry has any commercial significance. These factors combine to make broadcasting a unique industry and the economic consequences of their combined effect will be examined briefly in the first part of this study.

Special Characteristics of Broadcasting

Broadcasting is unique in the degree of government control and regulation to which it is subject. The licence to operate a broadcasting station confers the right to a valuable public asset and those so privileged must be responsible for providing a reasonable standard of service. There are only a limited number of channels and frequencies available in the Very High Frequency band now in regular use, and these are further limited by international convention which allocates them between the United States, Mexico and Canada. 1/ Entry into the industry is therefore carefully controlled by governments. No broadcasting station in any country in the world can come into existence without the grant of a franchise for its operation and in Canada it has always been the policy that the state should regulate the use of these public assets in the national interest.

Regulation

The Board of Broadcast Governors is the public body responsible for the regulation and control of broadcasting. Its powers extend equally over the publicly owned and operated stations of the Canadian Broadcasting Corporation (CBC) and the private stations. The regulations related to the issue of licences, the length, frequency and nature of advertising, as well as to the programme content, specifying certain minimum standards of public service programmes and the use of Canadian talent particularly on prime time. The controls are designed to establish general standards of public acceptability and good taste. However, in the administration of the regulations, account is taken of the ability of stations in less prosperous markets to measure up to these standards. In recognition of this the White Paper on Broadcasting concedes "...it is therefore logical to relate regulatory requirements to the profit potential of individual licencees". 2/

Supply

These comprehensive public controls have important economic consequences on the entry of firms into the industry, the supply of the broadcasting product, the demand for the product, and on the cost of operations. Advertising time on television was reduced in 1964 from sixteen minutes per hour to twelve minutes per hour. On radio, 1500 advertisements per week are permitted. This has the effect of setting a ceiling on the volume of output which any individual station can produce, given that its hours of broadcasting per day are determined by the terms of the licence. The total output of the industry, however, has a certain degree of flexibility through the entry of new firms. The decision of the Government

as outlined in the White Paper "...to consider issuing second-station television licences subject to the reservation for the use of the CBC of channels in certain areas" should have considerable effect on total output in the medium run. 3/

Demand

The demand for the broadcast product is also affected by regulation inasmuch as certain types of businesses are prohibited from using broadcast advertising. Some types of commercials are generally not allowed. The advertising of mining, oil and natural gas properties, spirits, beer and wine, securities other than government bonds and insurance companies which are not authorized to carry on business in Canada, are specifically prohibited.

Output

Production costs are affected by the requirement of a 55 per cent Canadian content. The entrepreneur normally seeks to buy his inputs in the cheapest market and to offer a product that has wide public appeal. The production of programmes using Canadian talent is expensive by comparison with the cost of purchasing American programmes at between five and eight per cent of their cost of production. Left to operate freely, market forces would induce broadcasters here to use only imported products. The Canadian content regulation is inspired by the need and the desire to preserve a Canadian national identity. This regulation has an additional effect on revenue and on the saleability of the product. The purchaser of the broadcast product, the advertiser, is interested in cost per thousand, that is the amount it cost him to reach each thousand viewers.

It is calculated as the cost of the advertisement divided by the size of the viewing audience multiplied by one thousand. So the larger the audience, the lower the cost per thousand. It has been found that on the whole, American programmes have wider popular appeal in Canada than Canadian programmes. The regulation therefore conflicts with the economic necessity of keeping cost per thousand at a minimum.

The Public and the Private Sector

In 1965 the revenue of the CBC was \$124.9 million and that of the private stations \$145.8 million. The average monthly employment figures were 7,949 for the CBC and 8,945 for the private stations. Thus, the public and the private sectors were almost equally divided both in terms of revenue and in terms of employment.

The publicly owned and operated CBC is an operating body established under the Broadcasting Act "for the purpose of operating a national broadcasting service". It has powers to maintain and operate broadcasting stations and networks of broadcasting stations; to establish, subject to the approval of the Governor in Council, such broadcasting stations as the Corporation considers necessary and desirable; and to make arrangements with private broadcasting stations for the broadcasting of network programmes. The public half of the system is a highly integrated organization with many different activities under central direction and control. It owns and operates 31 radio stations, 6 FM stations, 16 shortwave stations and 55 television stations. In addition it operates a large number of relay stations and radio and television networks in English and French. In both radio and television the CBC depends upon its private affiliates to give national coverage to its network programmes.

The private sector on the other hand consists of a large number of independent firms, some of which are affiliated to the CBC network for certain programmes and at certain hours of the day. They operate in competition with each other and with the CBC. There are 253 private AM radio stations, 64 FM stations, 6 shortwave stations, 227 television stations, and many relay stations.

These two sectors have widely different orientation. The private sector is decidedly profit oriented and within the framework of the regulated system seeks to maximize returns. It formulates its pricing policies along normal business lines on the basis of cost, return on investment, allowance for risks, and charges what the market will bear in the context of competition with other media. It utilizes aggressive and imaginative policies and programmes for increasing its audience rating and thus reduce cost per thousand. As a result the competitive position of its product vis-à-vis the CBC and other media improves. Consequently the proportion of the total commercial revenue of the broadcasting industry earned by the private sector has steadily grown. Between 1962 and 1965 its share had risen from 81.4 per cent to 85 per cent. See Table 1.

The CBC by contrast is committed to serving the national objective of "operating a national broadcasting service". 4/ Economic considerations are therefore secondary, as is reflected in the fact that in 1967 gross advertising and miscellaneous revenue was \$36.2 million out of a total budget of \$148.6 million. 5/ Thus its commercial activity accounted for only 24 per cent of its total revenue. The deficit was made up by a parliamentary grant of \$118 million. The fact that economic considerations

TABLE 1

CBC AND PRIVATE STATIONS COMMERCIAL REVENUE
AS PERCENTAGE OF TOTAL OPERATING REVENUE

	Col. (1)	Col. (2)	Col. (3)	
Year	Total Commercial Revenue of the Industry \$	CBC Commercial Revenue \$	Column (2) as a % of Col. (1) %	Private Stations Commercial Revenue Column (3) as % of Col. (1)
1965	171,616,792	25,822,000	15.0	145,794,792 85.0
1964	153,582,267	24,977,000	16.3	128,605,267 83.7
1963	136,219,455	24,446,000	17.9	111,773,455 82.1
1962	124,379,633	23,196,000	18.6	101,183,633 81.4

SOURCE: DBS 56-204 - Radio and Television Broadcasting.

are of secondary importance is a policy matter which has been forcefully endorsed by the Government. The White Paper on Broadcasting 1966 states:

It is important both to the Corporation and to private broadcasters that definite limits be set to the amount of revenue to be derived from its commercial revenue. The corporation should not seek to increase its present volume of commercial programming.

The CBC as a matter of policy does not sell certain periods of prime time on programmes such as "News". This further reduces the total supply of advertising time on the broadcast media. The total cost of production and distribution of programmes in 1966-67 was \$125.2 million. Of this, \$61.6 millions worth or 48 per cent was not available for sponsorship. Of the \$63.6 millions worth of programmes which were available for advertising only \$35.3 million or 56 per cent were sold. 6/ Further, CBC rates are somewhat lower than private rates for television and close to the average market rate for radio. 7/ One explanation of this is that the CBC will accept lower than the market rate in order to obtain advertising covering the basic stations of the national network. Its pricing policies are guided by other than economic motives. Production costs of the CBC are affected by its dedication to the use and development of Canadian talent. This is reflected in the statistics on artists and other talent fees which in 1965 were \$13.7 million as compared to \$5.2 million spent by the private companies. Similarly the Corporation disbursed \$7 million on performing rights, while the private half of the industry spent only \$3 million.

The most significant economic consequence of the mixed broadcasting system is that market forces affect only half of the industry since pricing policies and production methods of the publicly owned sector are guided by

factors unrelated to costs. The result is that whereas the public half of the industry had to be subsidized by \$99 million in 1965, the private sector had realized net income after taxes of \$14 million. In the year ending March 31, 1967, the subsidy amounted to \$118 million.

General Characteristics

Having looked into some of the special features of the industry which arise out of the special nature of broadcasting, we now turn our attention to some more general characteristics.

Broadcasting started in Canada nearly fifty years ago with a few stations in the Montreal area and a very small number of receiving sets. Today there is radio coverage over 98.6 per cent of the population and ownership of receiving sets is underspread. 8/ In 1966, 96.5 per cent of all households had one or more radio sets, and the use of radios in automobiles has been increasing rapidly from 38 per cent in 1960 to 54 per cent in 1966. 9/ Television has had an even more dramatic development both in terms of coverage and ownership of sets. In the space of 15 years coverage has been extended to 95.8 per cent of the population and the White Paper states that "the highest possible priority will be given to the completion of coverage of radio and television to the fullest extent that is feasible, with all possible speed". 10/

In the summer of 1952 there were 150,000 sets owned by people living near the United States border who used them to pick up American stations. By 1960 there were 3.5 million sets and by 1966 the figure had risen to 4.6 million. This means that 93.8 per cent of all households had one or more television sets in 1966, and 75.8 per cent of these have alternative

service in the use of a second channel. 11/ When we compare these statistics with the 75.1 per cent of households having automobiles and 90.4 per cent having telephones, two items with traditionally high priority among Canadian families, the importance of broadcasting to our society becomes clearly evident. Table 2 sets out these comparisons and shows the changes over the past six years. The CBC television stations provide about one hundred hours of viewing time per week and some private stations are on the air up to one hundred and twenty hours. Radio service is available eighteen hours per day on some CBC stations and twenty-four hours on some of the larger private stations.

The cost of operating the broadcasting system is measured in terms of revenue received by the private and public stations from advertising plus the parliamentary grant made to the CBC. In 1965 total operating revenue plus grants received by broadcasters was \$270.7 million. Of this amount, the private broadcasters received \$145.8 million and the CBC received \$124.9 million made up of \$25.8 million net advertising revenue and \$99.1 million parliamentary grant. In the ten-year period 1956 to 1965 the cost of the broadcasting service has risen by 161.5 per cent. This does not include the cost of purchase and maintenance of receiving sets. Table 3 shows the changes in total revenues from 1956, and its distribution between the private and public stations from 1962 to 1965. As far as the public is concerned there is no direct cost for this service. 12/ In exchange for exposure to commercial messages, the public has the privilege of an entertainment or information service. The cost is paid by the firms and industries who wish to advertise their products.

TABLE 2

CANADIAN HOUSEHOLDS HAVING ONE OR MORE TVs, RADIOS,
AUTOMOBILES, AUTOMOBILES WITH RADIO, AND TELEPHONE

('000)

Year	Total Households (1)	TV (1)	Radio		Automobiles		Auto Radio		Telephone	
			% of (1)	% of (1)	% of (1)	% of (1)	% of (1)	% of (1)	% of (1)	% of (1)
1966	4938	4635	93.8	4763	3709	75.1	2668	54.0	4464	90.4
1965	4853	4495	92.6	4663	3648	75.0	2486	51.2	4341	89.4
1964	4757	4328	90.9	4565	3518	74.0	2298	48.3	4192	88.1
1963	4671	4195	89.8	4499	3384	72.4			4077	87.3
1962	4592	3972	86.4	4413	3248	70.7			3934	85.7
1961	4509	3797	84.2	4342	3101	68.8	1785	39.6	3814	84.6
1960	4404	3550	80.6	4236	2931	66.6	1672	38.0	3667	83.3

SOURCE: DBS 64-202. Household Facilities and Equipment.
Figures are for May in each year.

TOTAL OPERATING REVENUE PLUS GRANTS

Year	Private Stations	CBC	Total
1965	145,794,792	124,911,000	270,705,792
1964	128,605,267	115,368,000	243,973,267
1963	111,773,455	106,895,000	218,668,455
1962	101,183,633	100,160,000	201,343,633
1961	not available	not available	180,841,445
1960	"	"	163,672,000
1959	"	"	152,171,000
1958	"	"	139,481,639
1957	"	"	117,294,769
1956	"	"	103,640,109
1955	"	36,837,649	not available
1954	"	29,417,783	"
1953	"	17,302,736	"
1952	"	16,658,311	"

SOURCE: 1956-65. DBS Radio and Television Industry. (56-209).
 1952-55. Canada Year Book - Revenue figures for CBC
 are for fiscal year ending March 31.

The Product

Broadcasting is a service industry which produces two distinct types of services—a public service of news, information and entertainment programmes, and a commercial service which consists of the sale of time for carrying advertising messages. The programming part of its output represents the major portion of the operations of the industry in terms of volume. In the public half of the industry programming accounts for the major share of the operating expenses. It is estimated that for the year ended March 31, 1965, the CBC spent \$79 million, or 64 per cent of its total operating expenditure on its programme production. 13/ For this part of their output broadcast stations receive no revenue directly, but the success of their programmes, judged by their appeal to the public and the size of the audience they attract, has direct bearing on their commercial revenue. The programme is simply the medium for the advertising message. The advertiser or sponsor selects a programme by the size and nature of the audience it attracts.

The commercial product is "time" sold either as "spot" or as "station time" and is rated as "prime" or "non prime". "Time" is priced on the basis of "cost per thousand". The demand for the commercial product comes from the business community and is a function of the size of the advertising budget of firms and the proportion of it which they allocate to the broadcast media. As the economy grows there are more goods and services which have to be sold each year. As a result, the advertising industry has had to expand to cope with the increased volume of sales. Total net advertising revenue has increased by 76 per cent between 1956 and 1965, from \$432.8 million to \$765.6 million. On a per capita basis it has risen by 42 per cent from \$26.91 to \$38.25.

The broadcast medium has proven itself to be one of the most persuasive forces in the world and over the past fifty years it has proven its ability to help sell the goods and services produced by all sectors of the economy. The demand for broadcast advertising has risen from \$24 million in 1950 to \$181.5 million in 1966, an increase of 658 per cent. 14/ Since the introduction of television, the proportion of net advertising revenue going to broadcasting has more than doubled. In 1952 its share was 10.5 per cent; by 1966 it had risen to 23.7 per cent. Table 4 shows the changes in the distribution of revenues among the five major advertising media for the period under discussion. Broadcast advertising has been increasing at a much faster rate than the rate of increase of net advertising, and faster than the rate of increase of the economy as a whole. See Table 5. Per capita, Canadians spent \$9.07 on broadcast advertising in 1966 compared to \$4.10 in 1956. Table 6 contains statistics on total net advertising revenue, broadcast advertising revenue, GNP and population from 1956 to 1966.

It seems reasonable to assume that this trend will continue and the demand for the commercial product of the broadcasting industry will increase as the economy grows. The population is expected to increase from 19.5 million in 1965 to 21.7 million by 1970, and 24.2 million by 1975. 15/ The annual average rate of net family formation which in the 1966 to 1971 period is 108.2 thousand is projected to increase to 126.2 thousand in the 1971 to 1976 period. 16/ The gross national product is estimated to rise to \$176.6 million by 1970, an increase of 49 per cent in the five-year period 1965 to 1970, compared with a 42 per cent increase in the preceeding five-year period. Total personal income is estimated

TABLE 4

CHANGES IN THE SHARE OF NET ADVERTISING
REVENUE AMONG THE FIVE MAJOR MEDIA

	<u>1952</u>	<u>1966</u>
Newspapers .	42.6	36.7
Broadcasting	10.5	23.7
Periodicals	14.7	13.1
Other Print	26.7	19.9
Outdoor	5.5	6.6

SOURCE: A Report on Advertising Revenues
in Canada, MacLean-Hunter Research
Bureau, October 1966, p. 6.

TABLE 5

ANNUAL GROWTH RATE OF GNP, NET ADVERTISING
REVENUE AND BROADCAST ADVERTISING REVENUE
1956 - 1966

Year	GNP %	Net Advertising Revenue %	Broadcast Advertising Revenue %
1966	10.88	7.8	11.4
1965	9.93	8.6	11.1
1964	9.16	6.2	12.7
1963	7.02	4.7	12.0
1962	8.28	5.1	11.1
1961	3.26	2.8	3.6
1960	3.93	5.0	4.7
1959	6.14	7.6	8.0
1958	3.09	5.3	11.0
1957	4.33	5.6	10.7
1956	4.1	5.6	10.6

SOURCE: MacLean-Hunter Research Bureau. A Report
on Advertising Revenues in Canada.

TABLE 6

POPULATION, GNP, NET ADVERTISING REVENUE - BROADCAST ADVERTISING
REVENUE - ETC. - CANADA - 1956-66

Year	Gross National Product	Total Net Advertising Revenue By All Media	Broadcast Advertising Revenue	Popula- tion	Net Ad. Revenue Per Capita	Broadcast Ad. Revenue Per Capita	Broadcast Ad. Revenue as % of GNP	Net Ad. Revenue as % of GNP
	\$ Billions	\$ Millions	\$,000	,000	\$	\$	%	%
1966	57.8	765.6	*(1) 181,500	20,015	38.25	9.07	.0031	1.325
1965	52.1	710.1	*(1) 162,198	19,571	36.28	8.29	.0031	1.363
1964	47.0	654.1	145,783	19,237	34.00	7.58	.0031	1.392
1963	43.2	615.7	129,359	18,896	32.58	6.85	.0030	1.425
1962	40.6	588.0	115,474	18,570	31.66	6.22	.0028	1.448
1961	37.5	559.5	103,910	18,238	30.68	5.70	.0028	1.492
1960	36.3	544.1	100,317	17,870	30.45	5.61	.0028	1.499
1959	34.9	518.2	95,824	17,483	29.64	5.48	.0028	1.485
1958	32.9	481.6	81,305	17,080	28.20	4.76	.0025	1.464
1957	31.9	457.2	72,905	16,610	27.53	4.39	.0023	1.433
1956	30.6	432.8	65,883	16,081	26.91	4.10	.0022	1.414

SOURCE: Column 1 - National Accounts
 2 - Advertising Revenues
 3 - in Canada - MacLean-Hunter Research, p. 4.
 *(1) Estimates

to rise from \$58 billion in 1965 to \$83 billion in 1975. 17/ All this adds up to the prospect that there will be greater demand by the producers of goods and services for the services of the broadcast industry.

Professor Firestone has pointed out that because of technical, international, regulatory and policy reasons, the supply of the broadcasting product is "inelastic" in that it does not respond to market forces. 18/ This can be expected to put pressure on prices, and cost per thousand. The intention of the Government, however, as revealed in the White Paper on Broadcasting 1966, to proceed with the licencing of second television stations, should contribute to an increase in supply after a short time lag, at least for the immediate future. 19/

There are no estimates of the contribution which broadcasting makes to the gross national product, or to income and employment, but the record shows that millions of dollars are invested annually in new equipment and machinery. Table 7 shows that capital expenditure on construction and machinery and equipment rose from \$10.9 million in 1957 to \$45.8 million in 1967.

Broadcasting is a very fast growing industry. A comparison of the growth rate of broadcasting revenue with that of the value of shipments in all manufacturing industry shows that every year since 1957 the former has been higher. The average annual rate of growth of broadcasting revenue has been almost double that of the value of shipments in all manufacturing industry. See Table 8. Measured in terms of employment, the growth of broadcasting is quite dramatic. Table 9 is a comparison of employment indices for broadcasting and manufacturing with the industrial composite of employment from 1952 to 1964.

TABLE 7

CAPITAL AND REPAIR EXPENDITURES—BROADCASTING INDUSTRY

Year	Construction \$ Millions	Machinery and Equipment \$ Millions	Total \$ Millions
1967	10.3	35.5	45.8
1966	8.8	40.1	48.9
1965	8.5	19.4	27.9
1964	6.3	19.6	25.9
1963	6.0	13.3	19.3
1962	4.5	12.3	16.8
1961	5.5	18.2	23.7
1960	8.5	17.8	26.3
1959	4.7	11.4	16.1
1958	2.6	9.5	12.1
1957	4.8	6.1	10.9
1956	4.3	6.7	11.0
1955	4.1	7.3	11.4
1954	5.1	10.4	15.5
1953	2.0	3.3	5.3
1952	2.3	2.2	4.5
1951	1.6	1.5	3.1
1950	1.4	1.9	2.9

SOURCE: DBS 61-205 - Private and Public Investment in Canada, 1952-67. Figures for 1966 and 1967 are estimates.

TABLE 8

TOTAL REVENUE FOR BROADCASTING—ESTIMATED VALUE OF SHIPMENTS IN MANUFACTURING

Year	Total Operating Revenue for Broadcasting (\$ Millions)	% Increase	Estimated Value of Shipments in all Manufacturing Ind. (\$ Billions)	% Increase
1965	271.0		33.6	
1964	244.0	11.07	30.9	8.74
1963	219.0	11.42	28.0	10.36
1962	201.0	8.96	26.7	4.87
1961	181.0	11.05	24.3	9.88
1960	164.0	10.37	23.4	3.85
1959	152.0	7.90	22.8	2.63
1958	139.0	9.35	21.4	6.54
1957	117.0	18.80	21.5	-4.7
	Average 11.27			Average 5.80

SOURCE: Operating Revenue - DBS 56-204.
 Estimated Value of Shipments 1965-62 - DBS 31-001 Table I, January 1967,
 1961 & 62 - DBS 31-001 Table I, October 1965; 1960-56 - DBS 31-201 - 1961,
 General Review of Manufacturing Industry of Canada.

TABLE 9

BROADCASTING, INDUSTRIAL AND MANUFACTURING EMPLOYMENT INDEXES

INDEX NO. 1949 = 100

<u>Year</u>	<u>Employment Index for Broadcasting</u>	<u>Industrial Composite- Employment</u>	<u>Employment Index for Manufacturing</u>
1964	406.4	130.4	121.9
1963	392.6	124.6	116.4
1962	372.7	121.5	113.3
1961	357.1	118.1	108.9
1960	339.6	118.7	109.5
1959	319.6	119.7	111.1
1958	307.1	117.9	109.8
1957	294.2	122.6	115.8
1956	265.7	120.7	115.8
1955	215.7	112.9	109.8
1954	171.7	109.9	107.3
1953	138.0	113.1	113.0
1952	129.6	111.9	109.9

INDEX NO. 1961 = 100

1965	111.5	114.3	117.2
1966	117.2	120.7	123.5

SOURCE: DBS 72-201 - Review of Employment and Payrolls, 1964 for figures from 1952-64.
1965 & 66 - DBS 72-002 - Employment and Average Weekly Wages and Salaries 1967, figures for 1965 and 1966 are estimates.

The profitability of the industry varies from one company to the next, according to its size, market area and objective. The publicly owned half of the industry being primarily public service oriented, operates at a deficit which is financed by a parliamentary grant. In 1965 the grant was \$99 million, and in the year ending March 31, 1967, it was \$118 million. The private half of the industry is decidedly profit oriented. Income after taxes varies widely as among the large firms operating in big prosperous markets and the small stations in the outlying districts. But for the private half of the industry taken as a whole, income after taxes over the nine-year period, 1957 to 1965, has risen from a loss of \$3.6 million to a gain of \$13.9. See Table 10.

The Board of Broadcast Governors reports that the operating profits of a group of 186 radio stations was up 34.1 per cent from 1963 to 1964, and 13.9 per cent between 1964 and 1965. Of the 186 stations, 40 reported an operating loss. Of 51 television stations only 6 reported a loss. The nine stations in the major markets showed an 18.5 per cent increase in net operating profit between 1963 and 1964, and 79.7 per cent increase from 1964 to 1965. 20/

Conclusion

This had been an attempt to give a general picture of the organization and structure of the broadcasting industry and to describe certain economic features which are relevant to the study of the industrial relations system. With this background knowledge, the labour management problems can be more readily discussed. The following chapters will be concerned with the industrial relations aspect of the broadcasting industry.

TABLE 10

NET INCOME AFTER TAXES FOR PRIVATE STATIONS

<u>Year</u>	<u>Income After Taxes of Private Stations (Loss)</u>
1965	13,942,400
1964	10,001,673
1963	5,462,296
1962	1,754,338
1961	-2,674,557
1960	5,008,000
1959	7,026,000
1958	6,504,856
1957	-3,657,625

SOURCE: DBS 56-204 - Radio and TV Broadcasting.

REFERENCES

- 1/ Additional channels are available in the Ultra High Frequency band but they require special transmitting and receiving equipment which is not yet in regular use.
- 2/ White Paper on Broadcasting 1966, Queen's Printer, Ottawa, p. 11.
- 3/ Ibid., p. 10.
- 4/ The Broadcasting Act, 1958.
- 5/ Canadian Broadcasting Corporation Annual Report, 1966/1967, p. 65.
- 6/ Ibid., p. 62.
- 7/ O. J. Firestone, Broadcast Advertising in Canada, University of Ottawa Press, Ottawa, 1966, p. 72.
- 8/ CBC Annual Report, op. cit., p. 44.
- 9/ D.B.S. Cat-No. 64: 202 Household Facilities and Equipment.
- 10/ White Paper on Broadcasting, op. cit., p. 9.
- 11/ Ibid., p. 10.
- 12/ In the United Kingdom the public pays for the service directly in the form of an annual licence fee.
- 13/ The Report of the Committee on Broadcasting 1965, Queen's Printer, Ottawa, 1965. Appendix P, p. 350.
- 14/ A Report on Advertising Revenues in Canada, MacLean-Hunter Research Bureau, October 1966, p. 4.
- 15/ Population and Labour Force Projections to 1970, Staff Study No. 1 Economic Council of Canada, Ottawa, December 1964, p. 9.
- 16/ Housing Demand to 1970, Staff Study No. 4, Economic Council of Canada, Ottawa, 1964.
- 17/ Economic Goals for Canada to 1970, First Annual Review, Economic Council of Canada, Ottawa, 1964, p. 57.
- 18/ O. J. Firestone, Broadcast Advertising in Canada, University of Ottawa Press, Ottawa, 1966, p. 69. Professor Firestone's book has been of great assistance to me in understanding the special characteristics of the broadcasting industry.
- 19/ White Paper on Broadcasting, op. cit., p. 10.
- 20/ Board of Broadcast Governors Annual Report, 1965-66. Queen's Printer, Ottawa, p. 11.

CHAPTER II

INDUSTRIAL RELATIONS

An industrial relations system is defined as the interaction at the work place of a group of actors. The interaction is governed by the policies and procedures of the law which has as its objective the attainment of economic justice for the participants and industrial peace for society. The system usually functions as a power struggle between the main participants, as each group of actors pursues its own particular set of goals. In this chapter we shall isolate and describe the main participants in the industrial relations system in broadcasting and briefly discuss their goals and values. In so doing we shall have to touch upon and describe the mechanism by which the policies of the labour law are implemented.

Actors

There are two distinct groups of actors which we shall describe as the major group and the subsidiary group. The major actors in the industrial relations system of the broadcasting industry are the owners and managers of the 656 broadcasting stations on the one hand, and on the other hand the 17,924 employees who are represented by six main staff unions and five so-called talent unions. The subsidiary actors are comprised of the legislative and administrative bodies set up for facilitating the processes of industrial relations.

The Management

As mentioned elsewhere the industry is approximately equally divided between the CBC and the private stations in terms of revenues and expenses.

But whereas the CBC is one large corporation employing 9,623 persons, the private half of the industry is comprised of over 500 separate companies who together employ 8,301 persons. These companies vary in size from a very few employees in a small station to the larger stations which employ 300 or 400 people.

The private stations are reputed to be strongly against union activity and there have been allegations that in order to frustrate the efforts of organizers they effect a rapid turnover of staff by firing and by promotions out of the proposed bargaining units into managerial and confidential positions. Cases exist in which even after a union has been certified, negotiation of an agreement has not ensued due to the alleged intransigence of the management. They are accused of using tactics which are difficult to adduce as evidence of an unfair labour practice, but which are nonetheless, very effective in demoralizing the union membership. There are currently two such cases in which the National Association of Broadcast Employees and Technicians (NABET) and the Association of Radio and Television Employees of Canada (ARTEC) are the certified agents for units of employees at Moose Jaw and Brandon, but have not been able to conclude agreements with the company. The companies, of course, deny these charges and contend that their staff are well contented and enjoy excellent conditions.

Three private companies negotiated collective agreements during the mid-thirties, but the majority of those which engage in collective bargaining started doing so in the mid-fifties when television came on the scene and staffs expanded rapidly. In the whole of the broadcasting industry there are only 39 collective agreements and 5 of them are with the CBC. 1/ Only two agreements cover units of over 500. Twenty-six agreements

are for units of under 50, and several of these consist of three or four persons. It is estimated that only 34 per cent of the employees in the private stations are covered by collective agreements.

The CBC after having resisted unionization very strenuously in the early days, has since 1953, had a relatively good record in its dealings with employee organizations. Today it has five agreements with staff employees and 11 agreements covering various talent groups who apart from the two producers' associations, are not members of staff, but work on a free lance basis. Sixty-six per cent of the employees are under collective agreement. The percentage used to be considerably higher, but the breakdown of relations with the International Alliance of Theatrical Stage Employees (IATSE) following the ruling of the Conciliation Board in 1965 has resulted in a little over 1,800 employees being excluded. Table 11 indicates changes in union membership among broadcast employees between 1956-65, and Table 12 gives employment figures for CBC and private stations for the same period. Because of its overwhelming influence in the industrial relations sphere, the CBC has been selected as the focal point of these investigations.

The Unions

The other main actors in the power struggle are the unions. These are of two different types, the staff unions and the talent unions. The talent unions will be discussed in Chapter V because they have certain special characteristics and do not come under the existing industrial relations law. In this chapter we shall look at all the groups which attempt to represent "employees" under the Industrial Relations Disputes Investigation Act.

TABLE 11

PERCENTAGE OF RADIO AND TV EMPLOYEES WHO ARE UNIONIZED

<u>Year</u>	<u>Total Employment in Radio & TV (1)</u>	<u>Number of Workers Unionized (2)</u>	<u>% of Workers (2) Unionized (1)</u>
1965	16,892	7,220	42.74
1964	16,624	5,616	33.78
1963	16,160	6,839	42.32
1962	15,667	6,891	43.98
1961	15,514	4,830	31.13
1960	13,885	4,582	33.00
1959	13,241	3,911	29.54
1958	12,896	3,355	26.02
1957	11,930	4,324	36.24
1956	10,498	4,530	43.15

SOURCE: (1) DBS - Radio and Television Broadcasting (56-204).

(2) Canada Department of Labour - Economics and Research Branch.

TABLE 12

EMPLOYMENT IN BROADCASTING 1956 - 1967

<u>Year</u>	<u>Total Employment</u>	<u>Private Stations</u>	<u>CBC</u>
1967	N/A	N/A	9,138*
1966	N/A	N/A	8,304*
1965	16,892	8,945	7,947
1964	16,624	8,503	8,121
1963	16,160	8,395	7,765
1962	15,667	8,175	7,592
1961	15,514	N/A	7,504*
1960	13,885	N/A	7,153*
1959	13,241	N/A	7,051*
1958	12,896	N/A	6,433*
1957	11,930	N/A	5,939*
1956	10,498	N/A	5,022*

SOURCE: DBS - Radio and TV Broadcasting 1965 (56-204),
Table I.

*Figures supplied by CBC.

The International Brotherhood of Electrical Workers—One of the first unions to enter the broadcasting field was the International Brotherhood of Electrical Workers (IBEW) who as early as 1947 negotiated agreements with two private companies in the Maritimes. In 1946 it signed up members at the CBC Toronto location and applied to the Canada Labour Relations Board to be certified as the agent for a unit of 47 radio broadcast technicians. The decision taken by the Board at that time set a pattern for collective bargaining in the publicly-owned half of the broadcasting industry which has only recently been challenged by the attempt of the Canadian National Trades Union to represent production workers of the CBC Quebec Division on a regional basis. The CBC contended before the Board in 1946, that the employees involved in the application were only a small part of the 196 technicians employed at its offices throughout Canada and that as a national undertaking, certification should be granted on a national basis. The Board ruled accordingly that the unit was not appropriate. The IBEW never succeeded in organizing other CBC centres, and soon fell out of the picture.

Staff Councils—CBC employees were represented by Staff Councils which were set up in 1941 "to discuss all matters pertaining to the conditions of their employment and to submit to the management any claims, suggestions and complaints they may think necessary". 2/ The Staff Councils were established on a geographical basis and at each operating point there was a local group. They elected a national executive annually and this body conducted discussions with the management on a national basis. A change in the method of representation was made in 1945 and may have had an important influence on the subsequent union organization. A decision was

made that representation should be along functional lines rather than geographically, and the staff was reorganized according to the three main occupational groupings—engineering, programme and administration. When the unions moved in, in the early fifties, the jurisdictional sphere was defined along these lines and many of the subsequent administrative problems of the Corporation may be traced to this type of organization.

In 1952, due to the preparations for launching television service, CBC staff requirements underwent a tremendous increase. Between 1948 and 1952 employment had increased by 45 per cent. In the next five years it had surged from 1,565 to 5,022, an increase of 220 per cent. Large numbers of people came in from other industries where they had had experience of union representation and collective bargaining. They felt strong suspicion and distrust of the Staff Council type of representation because it was supported and sponsored by the management. The early years of the fifties witnessed intense union organization and rivalry between competing unions. Some of the unions were new to the broadcasting industry although they had had experience in related fields both here and in the United States. In the beginning there was opposition both from the Corporation and from the Staff Councils and the certification procedures before the Canada Labour Relations Board were marked by interventions from rival groups, by jurisdictional claims and counter claims and by the severe problem of defining the "appropriateness" of a unit in an industry which was still largely in an experimental stage.

Canadian Wire Service Guild (CWSG) (American Newspaper Guild, AFL-CIO/CLC)—The Guild has represented employees in the newspaper business in the United States since 1933 and in Canada since 1949. Its first efforts at

organization in broadcasting were made in connection with a group of editorial employees, copy clerks and news round-up editors in the National and International Radio news service of the CBC in 1952. The unit consisted of 60 persons of whom 34 or 57 per cent were members. The Staff Council contested the application but later withdrew its opposition. The CBC denied the appropriateness of the unit and requested that copy clerks and senior editors and editors-in-charge be excluded. Eventually the parties agreed to the exclusion of the editor-in-charge and of senior editors where there was no editor-in-charge. This reduced the unit to 48, but the guild had 28 members in good standing among them, and on May 26, 1957, the CLRB certified the CWSG as the bargaining agent for a unit of editorial writers and copy writers in the radio service of the CBC. In May of the following year another certificate was issued to cover a unit of news service employees engaged in the preparation of news for television. Today the combined unit consists of 230 persons, an increase of 379 per cent since it was first certified fifteen years ago. The CBC is the only broadcasting company which has a collective agreement with the CSWG.

The National Association of Broadcast Employees and Technicians (AFL-CIO/CLC)—NABET has represented broadcast technicians in the United States since 1933. In December 1951, the Canadian Director of the Steelworkers' Union got in touch with the NABET Head Office in the United States and informed them that one of his men had signed up a majority of CBC technical employees at Montreal, Toronto, and Ottawa. The Steelworkers were not interested in getting into the broadcasting field so they offered to turn these members over to NABET. Mr. T. O'Sullivan was sent up to Canada, and by the end of January 1952 had signed up majorities in most CBC locations except Newfoundland, the Maritimes and Winnipeg. NABET

applied for certification for a unit of 270 technicians of whom 65 per cent were members in good standing but the CBC is reputed to have fought the union by threats of dismissal and demotion. It intervened before the CLRB protesting that the unit was not appropriate and that it should include four additional categories—wiremen, machinists, announcer operators and announcers-who-operate—among whom the union had no representation. The Board acquiesced, accepted the Corporation's definition of the appropriate unit and on May 22nd rejected the application on the ground that the union did not have the support of the majority. The union alleged that there was deliberate padding of the unit in order to dilute its strength which was effectively reduced to 49.8 per cent.

NABET immediately embarked upon an organizational campaign among the unit as defined by the Board from coast to coast signing up technicians as well as announcers and firemen. At this time the CBC was preparing to start its television service and large numbers of additional technical staff were taken on. By the time the union reapplied for certification in September, the unit had increased from 270 to 418 employees. The CBC again changed its stand on the inclusion of announcers and at this hearing they were eliminated from the unit. The result of a vote ordered by the Board to determine the union's standing revealed that 81 per cent of the persons affected had supported NABET. On January 7, 1953, NABET was certified to be the bargaining agent for a unit of CBC technicians. That unit today comprises 2,382 persons.

NABET also has some representation among the private broadcasting stations. It is the certified bargaining agent for units of employees at 26 private stations and has negotiated collective agreements with all but

one of them. All of these units are very small, ranging from three to 139 persons. The union is certified as a technical unit with the CBC, but in the private stations it organizes whatever way it can, either as vertical, technical or craft units.

NABET is exceptional among International Unions in that its Canadian membership of nearly 3,000 represents 37 per cent of its total membership. In most of the International Unions the Canadian component is usually quite insignificant.

International Alliance of Theatrical Stage Employees and Motion Picture Operators (AFL-CIO/CLC)—This is a very old union having been founded in New York in 1893 among theatrical people. As early as 1898 it moved into Canada where until recently most of its activity has been in the motion picture industry. Its Canadian membership is a mere 2,838 out of a total of 67,000, or just four per cent of its total strength.

In 1952 IATSE established what it called its "Radio and Television Department" and began organizing CBC programme production employees. Early the following year it applied for certification for a vertical unit consisting of floor managers, newsreel editors, continuity writers, film editors and cutters, designers, design craftsmen, titling artists, carpenters, painters, stagehands, wardrobe mistresses, costumers, dressmakers and make-up artists—that is all the people engaged in the theatrical aspect of producing a television show as distinguished from the engineering aspect. These are people engaged in putting on the "show", whose training, experience and background can be assumed to have been acquired in the theatre. This group was later modified to include property men, motor truck drivers engaged in moving property, newsreel editors-in-charge and

chief titling artists. Of the 145 persons in the unit, 87 were members of IATSE, but the CWSG, NABET and CBC all contested the application.

The CWSG claimed that all editorial and clerical employees engaged in the preparation of the television news service belonged to its jurisdiction and applied for an amendment of its certificate to include them. NABET argued that the "Radio and Television Department" was not a union within the meaning of the Act, and claimed that the majority of the employees in the unit proposed by IATSE had applied for membership and paid initiation fees to NABET. The CBC wanted floor managers and stagehands included in the NABET unit in order that all the employees working on stage should belong to the same union. This would have eliminated jurisdictional disputes during rehearsals and avoided the clumsy arrangement whereby a CBC producer often has members of five different unions working together on stage.

The investigating officer of the CLRB, in reporting on the case, commented that a draft submitted by the CBC showed a preference for bargaining units structured along craft lines, but IATSE's applications had been for a vertical unit, and the investigating officer should not recommend a craft unit when the applicant had applied for an industrial one. The applicant's proposed unit did not include TV producers, TV coordinator producers, TV announcers, script assistants, studio assistants, film camera men, photographers, and the film librarian. However, since the application was along industrial lines, the unit should include all these classifications.

The definition of the appropriate bargaining unit was one of the thorniest problems of the industrial relations system of the broadcasting

industry. The violent rivalry of the unions and the determination of each to get as large a slice of the cake as possible, at a time before the industry had mastered the technological and administrative problems of the new medium did not facilitate the process. Two decisions taken by the CLRB at its May and June meetings effectively defined the unit which was appropriate for collective bargaining in the area in which the IATSE was interested. Employees engaged in the preparation of news for television were handed over to the CWSG and the television producers and television announcers were excluded from the unit. No reasons for judgment were issued but it may be assumed to have had reference to the management functions exercised by television producers. This decision was to have important implications for the future status of producers, about which we shall hear more.

A representation vote was ordered to determine which of the two unions, IATSE or NABET had the majority support. The vote went overwhelmingly in favour of IATSE which got 137 out of 180 votes cast. The union was certified on August 6, 1953, and by June of the following year had concluded a collective agreement with the Corporation.

Despite its overwhelming majority, IATSE has from the very beginning been plagued with internal dissension, strife and discontent. By July 1955, a spokesman for a group of machinists at the Montreal location had written the CBC enclosing 95 IATSE dues revocation forms saying they no longer wished to be represented by IATSE since it does not represent the majority. NABET seems to have attempted to undermine IATSE's strength. In September, one of its regional directors was collecting and sending in revocation slips alleged to have been signed by IATSE members.

It was not, however, until mid 1957 that formal application was made to have IATSE decertified. The movement was spearheaded by a group of employees at the Toronto location. The unit had increased to 1,369 persons. Six hundred and thirty-eight petitions were sent to the CLRB, and although this did not constitute a prima facie majority, in view of the unrest and the impasse which had been reached (contract negotiations had broken down and by May 1955, IATSE had requested the services of a Conciliation Officer), the CLRB decided that a hearing should be held to clarify the situation. The outcome was a decision to take a vote to ascertain whether the application for revocation had the support of the majority. Of the 1,309 eligible voters, 1,260 cast votes and 804 of these voted against revocation. The application was rejected and IATSE continued as the bargaining agent.

This experience seems to have brought home to the International Officers of IATSE the fact that there was general discontent among the rank and file due to the lack of service, the highly centralized structure of the union and the tight control of finances exercised by the National Vice-President, Mr. Hugh Sedgwick. It was resolved to try to improve matters and Mr. Yvon Dansereau was appointed to be the business agent for the Montreal group with responsibility for improving the services to the members and particularly for investigating and processing grievances at the local and the national levels.

Up to 1960 there was no local autonomy within the IATSE broadcasting unit. The "Radio and Television Department" was the governing body for all members of the unit across the country, and the CBC paid the whole amount of the check-off directly to the National Vice-President. The members resented this and were eager to have greater participation in the affairs

of their union. A vote by the membership revealed a strong demand for a degree of autonomy and as a result "locals" were established in each location across the country. However, the method of representation on the national negotiating committee continued to be a source of discontent and irritation to the members of the Montreal and Toronto locals. These two groups comprised about 50 per cent of the national unit but they had representation only equal to that of the smallest groups in the outlying centres.

This discontent manifested itself in an attempt by the two largest locals to withdraw from the union. First, the Montreal Local 874 applied in 1964 for certification for a group of the Montreal employees who were covered by the 1953 IATSE certification. However, having been unofficially advised that the splitting up of an established national unit was contrary to the practice of the CLRB, and having failed to negotiate a separate agreement under cover of the national certification held by IATSE, they withdrew their application and the Board was relieved of the necessity of making a decision on the appropriateness of that narrowly defined unit.

The following year, the Montreal and Toronto locals got together and tried to form a Canadian union to represent the CBC production employees right across the country. The Canadian Television Union (CTU) was founded with two national offices and with two national presidents, both of whom were persons holding office as presidents of the Toronto and Montreal locals of IATSE. On August 6, 1965, they applied for certification claiming to have 830 members or 53.5 per cent of the 1,550 persons in the unit. The hearing was held in mid-November and at its December meeting the Board rejected the application on the ground that the CTU was not a properly constituted trade union.

In the meantime the IATSE contract had become due for renegotiation. The parties met in October 1965 but negotiations soon broke down and the conciliation services of the Labour Department were requested. The Conciliation Officer having failed to effect a settlement, a Conciliation Board was set up. The CBC was reluctant to proceed with negotiation while the representation question was still unsettled. In February 1966 it wrote the CLRB requesting that it direct a representation vote with a view to revoking the IATSE certification, or alternatively, hold a hearing at which all interested parties could make representations as to the status of IATSE. The Board, however, ruled that until a prima facie case had been made that the agent no longer represents the majority, the certification under the Act remains in force.

The Conciliation Board met off and on during 1966. This was the period when the Canadian Union of Public Employees (CUPE) was actively attempting to displace IATSE. In December the CBC walked out of the Conciliation Board Proceedings because the Board had rejected its request for a postponement until the result of the IATSE/CUPE representation vote which had been held on November 23 was clarified by a ruling of the CLRB. 3/

IATSE remains the certified bargaining agent with the CBC but has not had a contract since the 1964-65 agreement expired two years ago. After two further attempts by Le Syndicat Général du Cinéma et de la Télévision (SGCT) had failed for technical reasons and it became apparent that there was widespread disaffection in the ranks, the CLRB in January this year, decided in the light of the IATSE/CUPE vote which established prima facie that IATSE no longer represented the majority, to review the initial certification with a view to revocation. IATSE was invited to show cause,

if it so desired, why a revocation order should not be made. No satisfactory case having been made by IATSE, the Board on July 13, informed the union that it was considering revocation. At its meeting of August 30, it decided to take a vote by secret ballot and the parties were given opportunity to make representations. The CBC did not make representation but the Counsel for IATSE replied at length. However, the Board found that nothing new had been put forward and at its September meeting, decided to conduct a vote by mail to determine whether the employees still wished to be represented by IATSE. IATSE attempted to transfer its bargaining rights to the Canadian Labour Congress (CLC) and cabled the Board to this effect. Since there is no authority by which a union can transfer these rights, the message was ignored and the revocation vote by Royal Mail is currently in progress. (November 1967)

In the private sector, IATSE represents industrial and semi-industrial units with three companies covering a total of 110 persons. It became the agent for these units in 1956 and 1962 and relationships seem to have been fairly smooth and uneventful. It has agreements with all of them currently in existence.

The Association of Radio and Television Employees of Canada (CLC)--

This union was certified in 1953 to represent the clerical workers, announcers and other categories not included in the other bargaining units at the CBC. There were 908 employees in the unit covering 72 different classifications, and 600 of these were members of ARTEC. There are now 2,174 in the unit, with union membership estimated at 2,000 covering 137 classifications. The definition of the appropriate unit presented major difficulties at the time of the certification. One of the thorniest

problems was the difficulty of discerning the thin line between managerial and supervisory personnel and "employees" in some of the categories included in the unit. A similar problem arose in connection with the confidential nature of the work performed by certain secretaries and other clerical workers. The Industrial Relations and Disputes Investigation Act which governs industrial relations in the broadcasting industry specifically excludes from membership in trade unions "...any person who in the opinion of the Board exercises management functions or is employed in a confidential capacity in matters relating to labour relations". The union claims that management interprets this clause too narrowly and has excluded large numbers of persons who in its view are bona fide "employees" under the Act.

The classification of persons according to the managerial, supervisory or confidential nature of their duties was made on an ad hoc basis in bilateral consultations between ARTEC and the CBC at the time of certification. The drawing of a demarcation line between employee and management functions became an agonizing problem. The absence of clear-cut definitions of these terms resulted in irregularities and anomalies which persist today 14 years later. It is not unusual that persons performing similar duties are included in the bargaining unit at one CBC location and excluded at another. Over the years the union has grown increasingly disenchanted with the criteria by which exclusions are made. The principle of collective bargaining for supervisory and professional personnel in a wide range of industries has been under active review in recent years and solutions are being evolved which are sure to have important repercussions on the broadcasting industry. Significant among these is the Public Service Staff Relations Act which in marked contrast with the IRDI Act which governs

broadcasting, permits supervisory and professional personnel in the Public Service to engage in collective bargaining. It is unlikely that personnel engaged at comparative levels of responsibility in the private sector will long be content to remain excluded and it is very possible that tensions will develop in relations between ARTEC and the CBC as the union endeavours to have these anomalies corrected.

Currently those categories of secretaries and clerical workers who on the basis of the confidentiality of their work are excluded from the bargaining unit for which ARTEC is the certified agent have no mechanism for discussing salaries and working conditions. CBC management unilaterally fixes wages and working conditions which are parallel to those negotiated by ARTEC plus a token payment of between one to three per cent above the union scale. This is somewhat of the nature of a bonus paid partly for exclusion from the unit and partly for the additional responsibility involved in working with confidential matters relating to other staff.

So far as the supervisory and management personnel is concerned the management principle is not substantially different from what obtains in other commercial organizations although in practice, methods and procedures may differ widely. There is no tie-in between the rates of pay of these groups and that of any negotiated categories. Salaries are fixed on the basis of the going rate for the kind of work involved. The management sets minimum and maximum salaries but there are no salary scales in the sense that there are no specified steps within the range, and progression is strictly on a merit basis.

The CBC is the only company with which ARTEC has negotiated collective agreements. The union was certified for a unit of workers with a private

station in Brandon, but has been unable to conclude an agreement because of the alleged intransigence of the management.

The leadership of ARTEC early recognized that because of its small size, it would be in its interest to become allied to some more powerful union in the broadcasting industry. Such a move would render it more effective and ensure its affiliation to the CLC. Alliance with NABET seemed a logical device for acquiring these benefits, but this idea met with considerable resistance initially, largely on account of the aversion of large sections of the membership to an "international" union. There was a strong feeling among this group of the importance of the role of the CBC in promoting a sense of Canadian identity; consequently, they were reluctant to join a union which was American dominated. Only after considerable persuasion did the feeling of nationalism give way to practical necessity, and in 1956 ARTEC became affiliated with NABET. The relationship was apparently quite harmonious for a while and by 1958 terms had been worked out for an organic merger. This was ratified by the Executive early in December 1958, but the Montreal Producers' Strike which occurred towards the end of the month, started a series of events which led to the cooling off of relations. ARTEC ordered its members to return to work and on the eleventh day of the strike the majority of its members crossed the Producers' picket line which was being respected by all the other unions. Many believed that this was the cause of the prolongation of the strike and much bitterness and hard feeling against the ARTEC membership was generated. It eventually led to the breaking off of the merger arrangements with NABET.

There then ensued widespread raiding by NABET. To protect itself, ARTEC formed an alliance with the National Union of Public Service Employees (NUPSE). Such an alliance was attractive and acceptable since NUPSE was a purely Canadian organization with Canadian leadership and direction. This merger, however, constituted an encroachment by NUPSE into the jurisdiction of the broadcast unions who charged it before the CLC with invasion of their preserves. The charges were upheld and pressure was exerted by the CLC to force NUPSE to release the ARTEC membership and to withdraw from the broadcasting field. Extensive negotiations were held and NUPSE only agreed to terminate the merger when the CLC offered direct affiliation to ARTEC, a move which had been strongly resisted by NABET. In order to comply, the CLC was forced to change its rules on the exercise of veto powers of its members. In 1964 ARTEC was granted direct affiliation to the CLC in order to protect it from raids upon its membership, but not before NABET had succeeded in taking away the building maintenance group.

CLC membership, however, did not solve all of ARTEC's problems. Disunity and unrest among broadcast unions continued. The disintegration of the IATSE unit following the rejection by CBC of the Conciliation Board Report in 1965 gave rise to a fresh wave of rivalry and raiding among the established unions. The efforts of the Canadian National Trade Unions (CNTU) to gain entry, exacerbated the unrest among the employees and ARTEC became anxious and uneasy and looked about for ways to reinforce its position. The local presidents, at a meeting held in Winnipeg on April 26, 1966, approved a resolution proposed by the National Executive, to seek affiliation with CUPE. Steps are currently being taken to obtain support of the membership for this alliance, and the feeling is that the response will be

overwhelmingly in favour. It is felt in some quarters that knowledge of ARTEC's intention to link up within CUPE had the effect of swinging support towards that union in the November 1966 representation vote between CUPE and IATSE.

Le Syndicat Général du Cinéma et de la Télévision (CNTU) -- Le Syndicat Général du Cinéma et de la Télévision was founded in June of 1964. Its membership was drawn mainly from the employees in the National Film Board and the private film industry, but at the inaugural meeting, there were already several CBC employees who had become disillusioned with IATSE and were looking around for a union which better suited their needs. These were members of the IATSE Local 874 who in May 1964 had tried to obtain a regional certification and the right to negotiate an agreement for the French network employees under cover of the national certificate held by IATSE. At that time, although they were dissatisfied with IATSE, they were not thinking in terms of a separate union, but were seeking ways to find a satisfactory accommodation within the existing union. In this they had been supported by the Canadian Labour Congress. Mr. Claude Jodoin had cabled the IATSE International Head Office on July 16 proposing acceptance of this plan as a means of forestalling raiding by CNTU unions. Nothing was heard until September 22, when a flat rejection of the plan was received, without any explanation of IATSE's point of view. It is alleged that Jodoin's cable fell into the hands of the CNTU and sparked off their interest in CBC employees. Be that as it may, by December 1964, 200 CBC employees had joined the new union and its name had been changed to Le Syndicat Général du Cinéma et de la Télévision. In November of the following year, the SGCT had applied for certification for a unit of employees

covered by the IATSE certification working in the Montreal and Quebec Division of the CBC. The proposed unit consisted of 684 persons of whom 383, or 56 per cent were members.

The application for certification on a regional basis of a group hitherto covered by a national certificate constituted a severe challenge to an accepted policy established since 1946 when the Wartime Labour Relations Board rejected the application of the IBEW on the ground that the proposed unit was restricted to a local group. The law, however, makes no reference to national or local units and gives no guidance as to the appropriateness of a unit. Section 2(3) simply says:

...for the purpose of this Act, a "unit" means a group of employees and "appropriate for collective bargaining" with reference to a unit, means a unit that is appropriate for such purposes whether it be an employer unit, craft unit, technical unit, plant unit, or any other unit and whether or not the employees therein are employed by one or more employer. 4/

Section 9(1) leaves the determination of the unit entirely to the discretion of the CLRB and gives it authority to "take such steps as it deems appropriate to determine the wishes of the employees in the unit as to the selection of a bargaining agent to act on their behalf". The Board has evolved certain criteria for "appropriateness" based on the exigencies of stable industrial relations. In this particular case precedent and jurisprudence favoured system-wide units. The application of the SGCT was a challenge, not to a hard and fast principle, but to a policy and practice which for a decade or more had seemed to be effective. The other broadcast unions had organized across the country and sought certification on a national basis.

The SGCT application confronted the CLRB with two distinct policy problems. One was a matter of certifying a local group engaged in a nationwide industry. The other was the fragmentation of an established national bargaining unit. There were a few organizations already recognized by the CBC on a regional basis—the Montreal Producers' Association and La Fédération des Auteurs et des Artistes du Canada. These were not, however, strictly comparable, because not being trade unions under the Act, they fall outside the scope of federal labour law. Their de facto recognition was a consequence of the exercise of social realism by the Corporation, rather than the certification of the CLRB.

The SGCT sought to justify this break with precedent on the grounds of the administrative autonomy of the French and English networks and the cultural and linguistic differences of the two groups of employees. They argued that the theory of national certification without the consent of the employees of each location is abhorrent to the democratic principle. The union claimed that the right of association is embodied in the law of the land, and urged that the manner of exercising this right and the persons with whom one chooses to exercise it, are accessory to the right of association. The proposed unit comprised all employees in the craft and technical group within a well defined separate divisional unit. They argued that the wishes of the majority in the unit should be the decisive factor in determining its appropriateness.

The hearing was set for December 15, 1965, and the CBC and all the unions including the CTU intervened to contest it. IATSE and CTU claimed to have majority representation in the proposed unit. The other unions intervened on the principle of splitting the unit, contending that to

accede to this request would establish a precedent and pattern leading to fragmentation of the other well established national units.

At the meeting of the CLRB on January 12, 1966, the application of SGCT was rejected. The Reasons for Judgment stated that it is not conducive to stable labour relations or orderly collective bargaining to subdivide a well established unit into several units consisting of the same group of employees. The Board considered that the application stemmed from the dissatisfaction of a substantial number of employees with the quality of service provided by their agent, rather than from a dissatisfaction with the current method of bargaining on a system wide basis.

The decision of the CLRB, however, was not unanimous. Mr. Picard, the CNTU representative on the Board, dissented and submitted a minority report. He was of the opinion that the proposed unit was appropriate and suggested that the majority decision would force the employees into one of two courses of action, both of which are equally distasteful. Having exercised their right of association, they would be forced to return to IATSE or alternatively to remain without union representation. He criticized the Board's decision for giving the preservation of the nation-wide unit precedence over the right of employees to change their allegiance.

The rejection of the application touched off a storm of protest by the CNTU and the French Canadian Press and Politicians and openly brought into the field of labour, the Ottawa/Quebec tensions. If the policy embodied in the majority report were irrevocable, it would set the seal on the CNTU's ambition to extend its influence to those sectors of economic activity which are under the jurisdiction of the federal government. This marked the start of one of the most bitter conflicts in Canadian labour relations.

The CNTU mounted a political pressure drive to reverse the decision and vowed to fight it with every known legal, political, and strategic means available. Representations were made to the Prime Minister demanding government intervention and threatening to withdraw from all federal boards and agencies unless action were taken. The leaders of the CNTU met with the Federal Cabinet and presented briefs and memoranda protesting the composition of the CLRB which they alleged was heavily weighted in favour of the CLC. They urged reform of the IRDI Act so that in cases of inter-union rivalry the four management representatives on the CLRB be barred from voting and that the CNTU and the CLC be equally represented. They argued that national bargaining units should only be certified if the "natural" units within the main unit are in agreement. Further they demanded that the CLRB be fully bilingual.

It was a violent protest in which many of the leading French Canadian politicians both at the federal and the provincial levels openly supported the CNTU. The campaign was based on narrow racial and linguistic differences and generated a great deal of bitterness. Indeed, the resentment flared upon the international scene, when in the spring of this year, Mr. Marcel P  pin took the attack to the floor of the International Labour Congress threatening to lay an official complaint against the Government of Canada.

The CLC naturally entered the fray in support of national bargaining units. In June 1966, Mr. Jodoin in a submission to a Committee of the Cabinet, took great pain to point out that there are twice as many Quebec trade union members outside of the CNTU as are in it, and that most of those are members of unions affiliated with or directly chartered by the

CLC. He stated that it is incorrect to assert as the CNTU had done, that CLRB decisions go against their unions because three out of the four employee representatives are CLC members. The facts are that the CLC has only two representatives. The third member represents the railway unions which are affiliates of the CLC, but they have an interest of their own and their representative cannot be assumed necessarily to echo the views of their CLC colleagues. However, this apart, the disparity in the size of the two labour organizations would justify greater representation of the CLC. The submission fervently argued against the fragmentation of national units on the ground that it would engender "...lack of uniformity of conditions of employment, the entrenchment of regional disparities, limitations on promotional opportunities and mobility". 5/

Immediately following rejection of its application for the group covered by the IATSE certificate, the SGCT applied to be the agent for the employees covered by the CWSG in the Quebec Division. This move seems to have been inspired more for its nuisance value than from any widespread disaffection with the CWSG. After two amendments the application was withdrawn and another made in September. The issue at stake was identical with the former case, and at its meeting in July 1967, the Board rejected the application on the ground that fragmentation of an established unit would not serve the best interest either of the employees, the system, or the public. At this same meeting the second application with respect to the IATSE group was rejected because the evidence adduced was not sufficient to justify the fragmentation of the existing system wide unit.

In the previous year, the SGCT had won the right to bargain collectively for a group of janitors at the CBC Montreal location who had

previously been represented by an international union--the Building Service Employees' International Union (BSEIU) (CLC). However, the principle involved in this case was quite different from that of the production employees. For one thing, these were not workers engaged in any aspect of broadcasting as such, and for another their union had not previously been certified as a national unit. There was therefore, no question of breaking up an established national bargaining unit, and the CLRB dealt with it simply as a matter of one union displacing another in the representation of a unit which is appropriate.

There seems to be widespread uneasiness among the ranks of the CLC unions that the CNTU campaign may be having its effect. This dismay was created among other things by the announcement of the Minister of Labour on July 27, that when Parliament resumes in October, the Government would bring in amendments to the Labour Act that would "...more clearly define the provisions of the Act relating to the appropriateness of bargaining units and the character of applicants, and reinforce the principle of fair and equitable consideration to all unions appearing before the Board". The CNTU seemed jubilant at this announcement and interpreted it as Ottawa's "giving in" to its requests to split up the national unit. The CLC gave a similar interpretation to the statement and protested angrily that it "...can only be interpreted as action to appease the CNTU, an organization which represents a minority of organized workers in Quebec and only one-tenth of the union members in Canada".

Canadian Union of Public Employees--An important effect of the CLRB's decisions against the SGCT was the start of a series of raids by other unions on the IATSE membership. Early in 1966 CUPE had embarked upon

large scale raiding of IATSE from one end of the country to the other. Both unions being CLC affiliates, charges were laid and CUPE was reprimanded and ordered to halt its recruiting drive. Nevertheless it persisted and eventually applied to the CLRB for certification for a system-wide unit of employees covered by the IATSE certificate. The proposed unit contained 1,584 persons, 52 per cent of whom were members in good standing. The CBC considered the unit appropriate with minor inclusions, but the CWSG, NABET, SGCT, IATSE and most of the IATSE locals outside of Toronto and Montreal, individually intervened. CUPE had majority support in Toronto and Montreal, but the smaller locals retained their loyalty to IATSE. The application was heard on September 7th, and a representation vote was ordered for November 23 with CUPE and IATSE on the ballot.

This representation vote introduced a new strategy into union politics in Canada. The CNTU decided to boycott the vote and several well known political leaders came out into the open with exhortations to the members to spoil the ballot. Since the vote presented a choice between two CLC unions, merely staying away from the polls would not have solved anything so far as the CNTU was concerned. It therefore extolled its members to write in "CNTU" on the ballot paper in order to spoil the vote. The result was that, of the 1,668 eligible voters, 1,522 cast votes, of which 265 were spoiled, 439 were for IATSE and 818 for CUPE.

The voting illustrated without a doubt that IATSE had drastically lost support among the members of the unit. CUPE obtained almost twice as many votes as IATSE, but the number was just short of a majority of the employees in the unit, and on this legalistic interpretation, CUPE's application was rejected in February 1967. There had been reports of

irregularities at the Montreal polling station and demands were made for a new vote to be taken among the Montreal employees. CUPE protested the irregularities of the voting, but the CLRB threw out the requests.

The persons in the unit concerned remain without representation of any kind. The CLC eventually imposed sanctions on CUPE for defying a Congress edict to halt membership raids on a fellow affiliate, but the drive continues and CUPE is expected to reapply for certification very soon. In this campaign it has the full support of ARTEC who is actually working out the terms for an alliance with this powerful union. The Quebec Federation of Labour is also strongly backing CUPE in spite of the sanctions of the parent body. The only fly in the ointment is NABET's announcement on August 1, that it also intends to sign up ex-IATSE members.

Building Service Employees' International Union (AFL-CIO/CLC)—This union has been certified for various local units of CBC janitorial staff since 1956 when the Montreal group first won recognition. The union has been the agent for units at Montreal, Vancouver, Winnipeg, Toronto and Ottawa, and has negotiated agreements for each of these groups on a local basis. All the agreements were included in a master agreement in 1962. In 1966 the Montreal group was lost to the SGCT who are currently negotiating a new contract.

The Subsidiary Actors

The foregoing has been a description of the major actors in the industrial relations system of the broadcasting industry. There is, however, another group of actors which is subsidiary to the main parties. This group is designed to regulate and moderate the friction between

union and management in the power struggle. It consists of the Canada Labour Relations Board to which frequent response has already been made, and the various conciliation services of the Department of Labour. The law governing labour relations in broadcasting has not been changed since 1948 when the IRDI Act was passed. The Act applies in respect of employees in undertakings or businesses which are within the legislative authority of the Parliament of Canada, and radio broadcasting is specifically mentioned as being one of these. The IRDI Act provides for various bodies whose function it is to administer the law and to facilitate the processes of industrial relations in those industries to which it applies. The CLRB, and the Conciliation Services are the main institutions created by the Act.

The Canada Labour Relations Board—In discussion of the major actors, the CLRB figured prominently because of the key role it plays in deciding who are "employers" and "employees", whether or not a union is a union within the meaning of the Act, whether a person is a member of a trade union in good standing, and what is an appropriate bargaining unit. The Board's activities and decisions have far-reaching influence upon the structure of trade unionism within a particular industry.

In its major task of deciding whether the unit in respect of which application for certification is made is appropriate for collective bargaining, the Board receives no guidance from the Act. Nevertheless it is given power to include or exclude certain employees from the unit proposed and it has authority to take whatever steps "it deems appropriate to determine the wishes of the employees in the unit as to the selection of the bargaining agent to act on their behalf". 6/

The Board has therefore made its own guidelines based upon convenience and precedence. It gives great weight to the mutuality of interest of the employees in the proposed unit, the past bargaining experience of the unit, the type of organization existing in other plants of the same industry, the skills of the employees concerned, and their desires as to the representation they wish to have. In the broadcasting industry, the Board has given very great weight to the manner in which the proposed unit fits into the company's organizational structure and to the past history of collective bargaining.

The certification procedure was designed to coerce employers to recognize and negotiate with the unions in good faith. It was probably inspired by the hope of eliminating the recognition strikes. In this it has not always succeeded. In the broadcasting industry at any rate, the only major strike was a recognition "strike" by a group who were not even "employees" under the Act. There are also cases in which, in spite of the Board's certification, some of the private companies have failed to negotiate in good faith.

The Conciliation Services—The Conciliation Services are designed to facilitate negotiations between the unions and the management. They come into play, however, at the other end of the system, and are really a part of the mechanism of adjustment and accommodation. They will therefore be studied in the examination of the outputs of the system.

Conclusion

This concludes our study of the main actors in the industrial relations system of the broadcasting industry. The picture which emerges is one of

fierce inter-union rivalry in which racial and political factors play a big part. On the management side, at least so far as the private half of the industry is concerned, there is alleged to be strong anti-union feeling which expresses itself in open opposition. Ruthless methods are used to prevent the unions gaining a foothold in the stations. A favourite tactic is to promote potential leaders to the rank of management where they are beyond the scope of the IRDI Act. This is supplemented by rapid turnover of staff. The fact that broadcasting is still a "glamour" industry means that there are always youngsters who will take jobs regardless of the conditions, because of the wish to be associated with broadcasting.

In the next chapter we shall look at the interaction between the forces which comprise the industrial relations system and examine some of the procedures by which the standards or norms which govern rewards and behaviour at the work place are established.

REFERENCES

- 1/ This does not take into account agreements with the talent unions.
- 2/ Letter from the Assistant General Manager of the CBC to all staff members dated June 25, 1941.
- 3/ See page 53. On September 7, 1966 CUPE applied for certification to represent the production workers, claiming it had the majority of members in the unit. The CLRB ordered a representation vote with CUPE and IATSE on the ballot, but the CNTU campaign to spoil the ballot resulted in certain irregularities at the polling station, and CUPE had protested the results of the voting.
- 4/ Industrial Relations and Disputes Investigation Act, 1948, c. 54, s. 1, Part I, Section 2(3).
- 5/ Brief presented to a Committee of the Cabinet by the Canadian Labour Congress, June 15, 1966.
- 6/ Industrial Relations and Disputes Investigation Act, op. cit., Part 1, Section 9(1).

CHAPTER III

THE PROCESS OF ACCOMMODATION

In the interaction between employees and management at the work place, conflicts are generated either through clashes of personality or clashes of interest and goals. The former is a psychological problem; the latter an industrial relations problem. Conflicts of goals arise from both parties wanting to get a larger slice of the profits of the enterprise translated into terms of bigger wages, shorter hours, longer vacations, and better pensions and insurance provisions. The method of resolving these conflicts varies with the degree of sophistication of the labour movement and the nature of the laws governing industrial relations.

In broadcasting there are two distinct areas. In the private half of the industry where the stations are small, the unions weak or non-existent, the management hostile and intransigent, the employees have very little influence upon the manner in which the conflict is resolved. For the majority of them, the terms and conditions of employment are unilaterally determined by the employer. For employees who are low enough down the scale, rates of pay are influenced directly by government policy as expressed in the minimum wages legislation. Only for 34.2 per cent of the employees in the private half of the industry are the conflict of goals resolved through collective bargaining.

Conciliation

In the public sector, by contrast, 66 per cent of the employees determine their terms and conditions of employment bilaterally through negotiations. When the process breaks down they are assisted by the

conciliation officers of the Department of Labour who confer with the parties in an effort to resolve the deadlock. If the conciliation officer does not succeed in effecting a settlement, a conciliation board is appointed jointly by the parties. The board tries to get the parties to agree. If it fails, it submits a report with recommendations for a settlement. These recommendations, however, are only binding if the parties so agree in writing.

It is somewhat difficult to assess the degree to which these institutions contribute to the determination of the substantive standard, or even the degree to which they are used. We have statistics showing the number of negotiations going to conciliation each year. See Table 13. To be meaningful, however, we should know the total number of negotiations which took place in each period. There is a record of the number of agreements signed each year, but this does not necessarily reflect the number of negotiations which took place. The Table does reveal, however, that a large number of cases are settled at the conciliation officer stage.

The information on the use of the conciliation services by the public half of the industry is somewhat better. Of the current agreements with staff unions, only two were concluded by direct negotiations. The other three all required the services of the conciliation officer for periods of three to nine days. Two of them had conciliation boards constituted, but before the board met the CWSG reached a settlement by direct negotiations. The other board met for one day and handed down recommendations in the NABET case, but final settlement was reached only after a federal mediator had met jointly with management and union for three consecutive days. A period of ten months had elapsed since direct negotiations broke down.

TABLE 13

NUMBER OF NEGOTIATIONS GOING TO CONCILIATION
1953-66

<u>Year</u>	<u>Conciliation Officer</u>	<u>Conciliation Board</u>
1966	15	6
1965	7	4
1964	15	5
1963	10	2
1962	6	-
1961	5	1
1960	6	4
1959	4	1
1958	5	1
1957	6	-
1956	6	3
1955	4	2
1954	7	4
1953	3	3

SOURCE: Conciliation Section of Labour Department File.

From 1954 to the present time, the CBC has negotiated 53 agreements. Thirty of them went to the conciliation officer and seven of these proceeded on to conciliation boards. This means that 57 per cent used the conciliation service at its first stage and 13 per cent used both stages. The record of success of the conciliation officer is very good, 77 per cent of all cases being settled at this stage. This does not bear out the criticism sometimes voiced, that the first stage is useless because the unions favour a board of conciliation believing that they make greater gains that way. It is alleged that both parties used the board as an escape from making a decision. Because it is so readily available it is accused of acting as a disincentive to bargaining in good faith at the early stages of negotiations. The consensus seems to be that if the long delays which usually favour management could be eliminated the system would be extremely useful. On the management side, however, the delays are just as irritating because workers tend to become restless and difficult during protracted negotiations.

The Structure of Negotiating Units

In an industry of a little under 18,000 employees, there are eight unions and a couple of independent locals. Two negotiating units are over 1,500 and there is a wide gap between these two and the rest. The other units vary from three to 200 persons. The unions bargain independently and there seems to have been very little effort at cooperation either on the part of the unions or of the management, to have any kind of joint negotiations. The National Union of Broadcast Unions attempted to put up a common front for a while, but made little progress, and after the 1965 negotiations this body seems to have disintegrated.

There are two distinctly different bargaining structures. In the public sector, negotiations are on the basis of the single employer with a multi-plant organization bargaining with five unions on a national basis, and one on a local basis. In the private sector it is generally the case of the single employers dealing with single unions on a local basis although one or two of the largest private stations deal with two unions.

The Negotiating Process

The two largest unions in the CBC, NABET and ARTEC, have a very highly coordinated negotiating structure. The Locals discuss the changes or additions they wish to have made in the contracts in the light of general economic conditions, price increases and the nature and type of grievances which have come up during the year. These are submitted by the local delegates to the pre-negotiation conference where they are screened and discussed. This conference formulates the demands and the tactics which will be used at the bargaining table. At the annual convention of the union a report on the conference is submitted but the proposals are not disclosed until the negotiating committee meets with the CBC to bargain over the issues. The National Executive which is chosen at the convention and a few representatives from the Locals chosen on the basis of their special ability comprise the negotiating committee.

The IATSE, on the other hand, did not have a coordinated national structure. The Locals engaged business agents who helped formulate demands and plan strategy. The negotiations were conducted by Mr. Hugh Sedgwick, the National Vice-President who signed the agreement in the name of the union. Mr. Sedgwick is not an elected officer, but a paid employee of the International.

The unions advise the Corporation of their desire to negotiate three months prior to expiry of the current contract and submit their demands. A meeting with the union negotiating committee is held, at which are present representatives of all the areas of management concerned with the specific union. A discussion of the union's proposals is held to clarify what exactly are its demands. On the basis of this the Corporation then holds private internal meetings at which it draws up its proposals. A clause comparison chart is made up, which sets out, side by side, the terms of the current agreement, the union's proposals and the Corporation's proposals. This document becomes the basis for negotiations.

The CBC has a strong team whose skill and ability at the negotiating table is held in high regard by the unions. The committee is made up of the Industrial Relations Officer and representatives of all areas of management concerned with the specific unit who generally appear at the bargaining table well prepared. Negotiations are tough and thorough and concessions gained by the unions are not easily conceded.

Negotiations are on the traditional basis of each side asking for far more than they expect to gain so as to give themselves leeway for trade-offs as the negotiations proceed. This has become ritual. The negotiations are conducted for three or four days per month over a period of months. The 1963 negotiations with ARTEC and NABET took from seven to 12 months to conclude. In 1965 the parties experimented with a different technique, negotiations being held continuously for five and nine days respectively. However, from all accounts, neither party was entirely satisfied with the outcome. The unforeseen rise in the level of prices and general wage increases in other industries later in the year forced a contract reopener

with ARTEC. The clauses relating to wages were renegotiated in the light of the changed conditions and the union got an additional 4 per cent increase from October over the previously negotiated 3 per cent from April '66 and 3 per cent from April '67 compounded.

In the NABET case, the agreement was not reached by direct negotiations. The matter went to a conciliation board, and the recommendations not being acceptable to the union, there was a real danger of strike action being taken. This, however, was averted by the Federal Mediation Officer through whose services agreement was reached on September 30, 1966 for a 9 per cent increase from January 1, 1966, 9 per cent from January 1, 1967 and 4.5 per cent from October 1, 1967—all cumulative.

In the case of the BSEIU who negotiates for the janitorial staff, the negotiations are conducted jointly, but each location signs a separate agreement inasmuch as they were separately certified. The separate agreements are now included in a master agreement.

One of the special problems inherent in negotiation of the wage settlement, stems from the fact that the CBC is a non-profit crown corporation operating on the basis of deficit financing. It therefore has no "profits" which in other industries form the base of reference for determining wage changes. Nevertheless, the Corporation's wage increases are not far out of line with general wage increase in the economy. In a survey of 180 major collective agreements (units of 500 or more) which were concluded in 1966, 61 per cent provided base rate increases in 1966 ranging from 5 to 10 per cent. In close to one fourth of the settlements, increases ranged from 11 to 15 per cent for 1966. Eighty-four per cent of agreements provided for

wage increases to go into effect in 1967. Two-thirds of these provided for increases ranging from 3 to 6 per cent, and 36 gave base rates 7 to 9 per cent higher than 1966 rates. 1/

Length of Contract

The length of CBC contracts is in line with current trends in contract duration in Canada. The existing agreements with NABET, ARTEC and the Guild are each for a period of 30 months. A survey of agreements which were concluded between January and December 1966 in manufacturing industries reveals that 48 per cent were for periods of from 21 to 32 months. 2/ Thus, the pattern of contract duration in broadcasting is not out of line with accepted practice.

So far as IATSE is concerned there has been no contract since December 1965 when the previous one expired. By then chaos had set in. Widespread discontent and disaffection with the poor service and leadership rendered by the union had led to rival factions splitting off and claiming recognition as the bargaining unit for the employees. Negotiations for a new contract between IATSE and the CBC had broken down and a conciliation board was appointed. The CBC, however, was reluctant to proceed with contract talks while the representation problem remained unsettled. It therefore refused to appear before the board and the matter dragged on with no solution in sight.

In the two years in which the production employees have been without a collective agreement they have not suffered materially relative to other groups of workers with the CBC. The Corporation has given wage increases which are in line with those in other departments. This, however, has not

compensated members of the unit for the lack of representation. There is great restlessness and anxiety among the ranks and a sense of urgency for proper representation.

We have looked at the processes by which conflicts arising from the interaction of the parties at the work place are accommodated and we have examined the procedures by which the terms and conditions of work are determined. In the next chapter some of the outputs of the system will be studied, and the substantive standards prevailing in the broadcasting industry will be described.

REFERENCES

- 1/ Collective Bargaining Review, No. 1, 1967. A Labour Department Supplement, Canada Department of Labour, October, p. 3.
- 2/ Ibid., Table 3.

CHAPTER IV

THE OUTPUTS OF THE SYSTEM

The allocation of awards to employees is the central focus of an industrial relations system. In the previous chapter we looked at the mechanism of adjustment of the conflicts which arise from the fact that each of the major parties desire to obtain a larger share of the product of the industry, and we pointed out that for one half of the broadcasting industry, the absence of a "surplus" or "profit" presents problems associated with the absence of a frame of reference for bargaining. This problem does not, of course, apply to the private half of the industry. This chapter will be devoted to the substantive standards themselves. It will deal with the level of awards as well as the changes in the level of awards.

It has been estimated that 41 per cent of all employees in broadcasting have the terms and conditions of employment bilaterally determined by collective bargaining; 34 per cent of those engaged in the privately-owned half of the industry and 66 per cent in the publicly-owned half are covered by collective agreements. A great deal of the discussion of the outputs of the system will therefore relate to the majority of those whose awards are bilaterally determined, that is, to the employees of the CBC.

The outputs of the system may be classified according to whether they are institutionally oriented or whether they are employee oriented.

The Institutionally Oriented Outputs

Institutionally oriented outputs refer to those conditions of a labour contract which relate to the respective rights and spheres of influence of the management and the union in their day to day activities. These are the basic clauses in an agreement which define the relationship and introduce order and predictability in the interaction at the work place. The CBC has very strong management rights clauses in all its agreements. The operating requirements of broadcasting which are constantly changing both technologically and administratively make it essential that the Corporation should have broad powers to take action in certain areas without fear of complications arising out of a challenge from the unions.

On the other hand, the unions have very strong security clauses. They all have a modified Rand Formula with compulsory dues check-off for all employees whether union members or not, who joined the unit after the date of recognition. Such persons are free to become members of the union or to stay out of membership, but they must pay for the services of the union.

Under the institutionally oriented outputs might be included the clauses relating to union access to the premises of the employer, non-discrimination for union activities, "no-strike and lockout", and clauses which guard against the use of union members in strike breaking activities. These are included in all the CBC contracts but the actual validity of the "no-strike" clause is open to question since all the unions stayed away from work for varying periods during the producers' strike. They termed this "respecting the producer's picket line", but the CBC called it a "strike".

Employee Oriented Outputs

These outputs cover wages, working conditions and fringe benefits.

Wages—Table 14 is a comparison of wages in broadcasting with wages in manufacturing industry from 1953 to 1967. It will be noted that rates in broadcasting have been consistently higher through most of the period. These higher rates however, may not necessarily be the results of collective bargaining, but may perhaps be simply a reflection of a generally higher degree of technical and educational qualification of the great majority of employees in this field.

Hours of Work—The technical unit covered by the NABET agreement has a 40 hour work week which was reduced from 42 hours in the first contract. Most employees in the ARTEC unit have always had a 36½ hour week. There were, however, 12 categories working 40 hours, but this has now been reduced to three categories and ARTEC's aim is to eliminate the 40 hour week all together and to strive for a 35 hour week for everybody.

Overtime Penalties—Overtime used to be computed on a monthly basis, but is now computed daily and paid at time and a half. A large number of CBC employees are shift workers. The unions have endeavoured and, to a certain degree, have succeeded in improving the penalty payments which compensate workers for the inconvenience of irregular hours. Such things as "work on day off", night shift "differential", "posting of schedules", "turn around", "call back", "idle time", etc., figure prominently in all the agreements.

Holidays—All agreements provide for 10 paid holidays plus any day proclaimed by the federal, provincial or municipal authority as a public holiday.

TABLE 14

AVERAGE WEEKLY WAGES AND SALARIES IN BROADCASTING
AND IN MANUFACTURING INDUSTRY 1960-67

Year	Average Weekly Wages in Broadcasting \$	Average Weekly Wages in Manufacturing Industry \$
1967*	124.97	106.18
1966*	120.16	99.24
1965*	113.50	93.59
1964	110.15	90.42
1963	103.56	86.24
1962	97.83	83.17
1961	87.99	80.73
1960	85.07	78.19

SOURCE: *Employment and Average Weekly Wages and Salaries, DBS-72.002, July 1967. These figures are averages for the month of July.

Review of Employment and Payroll, DBS-72.201, 1961, 1963 and 1964.

Seniority Provisions—The two major contracts contain seniority clauses. Seniority commences on the date of hiring but relates only to the order of lay-off, rehiring, and choice of vacation period.

Jurisdiction—All the contracts contain clauses stating that the Corporation agrees not to assign to persons outside the bargaining unit duties performed by members of the unit. One of the burning issues of ARTEC is the struggle to maintain the staff announcer's right to read the news, against the inroads made by the news editors and broadcast journalists. The matter recently went to arbitration but the arbitrator rejected the union's grievance and ruled that they did not constitute evidence of contract violation. ARTEC is determined to protect the jurisdiction of its announcers and this will be one of its big problems in the coming months.

Technological Change—In a fast developing industry like broadcasting technological change, and the displacement of personnel which it implies, is a continuing problem. One of the contracts has a clause in which the Corporation undertakes to inform employees of impending changes and to give consideration for retraining and placement. A committee was set up with the Labour Department's Manpower Consultative Service to study the problem of technological change and manpower requirements two years ago. The CBC issued a statement of policy on utilization of staff in January 1967 which states: "The Corporation will introduce changes in technology and/or methods of operation from time to time to maintain and improve its efficiency and effectiveness. Where such changes have an effect on the status and/or number of staff, every effort is to be made to retrain and/or reassign employees".

Grievance Procedure--All the contracts provide for a three stage grievance procedure in which grievances are handled at the local and the national level by union and company personnel. If settlement has not been reached provision is made for arbitration of rights disputes. There have never been any "interest" disputes before arbitration except in the case of the Montreal Producers' which was quite an exceptional matter and clearly outside the framework of "labour" relations as we define them. Nevertheless it was a very significant event and will be dealt with in Chapter VI.

Most of the disputes are settled at the local level and the parties seem content with their grievance procedure. The meeting devotes part of the time to open discussion of any matter of concern either to the management or to the union. It is usually a very informal and frank discussion which serves as an excellent communications channel, and has been found very useful in solving or avoiding formal grievances.

Table 15 is a record of the grievances and the way they were disposed of for the years 1964 to 1966. It will be seen that more than 50 per cent are settled at the local level. Since 1953 there have been 50 disputes concerning "rights" as determined by the collective agreement, going to arbitration. In 42 of these the Corporation has been upheld in its stand. The unions believe that this trend will be reversed when judges are replaced by arbitrators with a less legalistic bent.

Fringe Benefits--The Unions have not had much influence on fringe benefits. Pensions, group life insurance, medical insurance, vacation leave and sick leave, are all part of the Corporation's policy and date back to the period before the entry of the unions. The pension plan was requested and discussed by the Staff Council and introduced in 1943, to

TABLE 15

G R I E V A N C E S

LEVEL OF SETTLEMENT AT CBC

1964 - 1965 - 1966

1964 - 425 Grievances Filed

	<u>1st Step Local Level</u>	<u>2nd Step National Level</u>	<u>Arbitration Cases Heard</u>
CWSG (ANG)	27	5	
ARTEC	99	40	1
NABET	62	28	1
IATSE	<u>40</u>	<u>-*</u>	—
TOTAL	228	73	2

*IATSE in negotiation all year - no National Grievance Meetings

1965 - 394 Grievances Filed

	<u>1st Step Local Level</u>	<u>2nd Step National Level</u>	<u>Arbitration Cases Heard</u>
CWSG (ANG)	42	12	
ARTEC	82	64	1
NABET	44	44	1
IATSE	<u>91</u>	<u>47</u>	—
TOTAL	259	167	2

1966 - 405 Grievances Filed

	<u>1st Step Local Level</u>	<u>2nd Step National Level</u>	<u>Arbitration Cases Heard</u>
CWSG (ANG)	41	36	1
ARTEC	79	74	1
NABET	87	54	1
IATSE	<u>35</u>	<u>11</u>	—
TOTAL	242	175	3

apply to all employees on the regular establishment. In 1961 the TV Crafts Establishment was brought into the Group Insurance Plan by Letter of Understanding exchanged between the Corporation and IATSE.

Attempts by the unions to influence fringe benefits have failed. There is great lack of unity among the unions and the furthest they have reached has been the setting up of a joint advisory committee to discuss the pension and group life insurance plans.

The foregoing are the most significant outputs of the system as they relate to the 66 per cent of the employees of the publicly-owned half of the industry whose substantive standards are bilaterally determined by collective agreement. A survey of working conditions in the broadcasting industry as a whole, without reference to the manner in which they are determined, reveals some interesting facts. For example in 1965, the survey concerned 7,963 office workers and 7,273 non-office workers and revealed that 86 per cent of the former worked under 40 hours per week and 80 per cent of non-workers worked a 40 hour week. Only 2 per cent of the former and 3 per cent of the latter worked over 40 hours. 29/ The 7½ hour day applied to 79 per cent of office workers and 16 per cent non-office workers. Ninety-nine per cent office and 97 per cent non-office workers had holidays with pay. Thirteen per cent in each category had nine holidays per year. More than nine days was enjoyed by 63 per cent of the office workers but only 57 per cent of the non-office workers.

Health Plans of one kind or another benefited 91 per cent and 90 per cent respectively of office and non-office workers. Seventy-one per cent of office workers and 73 per cent non-office workers were covered by plans which combined major medical and specified benefits, and for 90 per cent of

employees in each category the benefits applied to dependants as well. Thirty-four per cent of office and 36 per cent non-office workers had plans which were jointly financed by the employer and the employee. Only 1 per cent of office and 2 per cent of non-office workers had plans financed entirely by the employer and 56 per cent and 52 per cent respectively had plans entirely financed by themselves.

Pension Plan—The 1964 survey which covered slightly fewer employees (7,319 office and 6,401 non-office) showed, that of the establishments reporting a pension plan, 83 per cent office and 81 per cent non-office workers were covered. All the plans were contributory and 82 per cent of the office employees have a right to all or part of the employer's contribution if employment is terminated before normal retirement. This benefit extended to 79 per cent of the non-office workers.

Overtime Provisions—The same survey revealed that 84 per cent office and 91 per cent non-office workers have overtime provision either in the form of cash payment or time off. Just 11 per cent of office workers had money payments and 63 per cent had time off only. Seventy-seven per cent of non-office workers had money and 3 per cent time off only.

Strikes—The major outputs of the system have been outlined in the foregoing paragraphs. When dissatisfaction with the outputs becomes very intense, it boils over and expresses itself in the form of strikes, legal or otherwise. Apart from the 1958 Montreal Producers' Strike there have been only six recorded strikes in the industry between 1952 and 1965 involving 160 employees and resulting in 1,570 man hours lost. See Table 16. There have of course been other occasions when dissatisfaction has

TABLE 16

STRIKES AND LOCKOUTS - RADIO AND TELEVISION INDUSTRY

Year	Employer	Union	Workers Involved	Starting Date Terminating Date	Duration Man Hours	Major Issue Result
1965	CBC Toronto	ARTEC	11	Sept. 28 Nov. 4	290	Union Recognition Return of Workers after Recognition
1964	Baton Broadcasting CFIO/TV Agincourt, Ont.	NABET (Broadcast Employees)	72	Feb. 17 Feb. 20	150	Dismissal of 2 Employees for refusal to perform duties of another classifica- tion - Return of Workers Referral to Arbitration
	Radio Saguenay CKRS	NABET	37	Oct. 8 Oct. 13	120	Wages, hours, job descriptions, Departmental functions
1961	Radio Station CJMS Montreal, Que.	NABET (Broadcast Employees)	20	Aug. 11 Oct. 17	930	Wages Wage Increase \$5 a week
	CKJL St. Jerome	NABET	15		20	

TABLE 16 (Cont'd)

Year	Employer	Union	Workers Involved	Starting Date Terminating Date	Duration Man Hours	Major Issue Result
1958	CBC Montreal	Assoc. des Realisateurs	1,765	Dec. 29 Mar. 9/59	3,780	Union Recognition
	Radio Iberville CHRS St. Jean, Que.	CCCL (CNTU)	5	Nov. 12 Nov. 24	60	Disciplinary dismissal of 2 workers Workers re-instated

SOURCE: Strikes and Lockouts in Canada Department of Labour Publication and
Labour Department Files.

resulted in so-called "sit down strikes" and "work to rule", but we have no estimates of these in terms of time lost or persons involved.

REFERENCES

- 1/ Survey of Working Conditions, Canada Department of Labour, Ottawa, 1965.

CHAPTER V

THE TALENT UNIONS

Thus far we have been dealing with the staff unions, the bona fide unions as defined by the IRDI Act. There is, however, another group of associations which is generally referred to as the Producers' and Talent Unions. These are associations of persons who are specifically debarred from membership in a trade union because for one reason or another they do not qualify as "employees". One such group is l'Association des Réalisateurs de Montréal. Part (1) section 2(1)(i) of the IRDI Act defines "employee" as "a person employed to do skilled or unskilled manual, clerical or technical work but does not include (i) a manager or superintendent or any other person who, in the opinion of the board, exercises management functions or is employed in a confidential capacity in matters relating to labour relations". The television producers of the CBC were deemed to be persons exercising management functions, and as far back as 1953 they were excluded from the IATSE bargaining unit on these grounds. They subsequently challenged the managerial content of their work assignment while claiming rights in decision making in so far as it affects their professional standards. By sheer weight of their organized strength they have been able since 1959 to force voluntary recognition by the employer. They have negotiated collective agreements and in other ways functioned as a trade union, even though they fall outside of the protection and obligations imposed by the Act which governs labour relations in federal industries and which debars them from trade union affiliation.

The other associations in this category are the talent unions, groups such as the Association of Canadian Television and Radio Artists (ACTRA), La

Fédération des Auteurs et des Artistes du Canada (FAAC), and the American Federation of Musicians. The members of these associations are also barred from the provisions of the IRDI Act. The Act defines a "trade union as an organization of "employees" formed for the purpose of regulating relations between employers and employees...". "Employee" connotes a master and servant relationship. But all the talent people who are employed by the CBC are employed on individual contracts to do a specific job. Because of the contractual nature of their employment, members of these talent unions fall outside the scope of the Act, and are in fact recognized by the employer solely by virtue of their great solidarity and the need of the CBC for the use of their talents. There is no compulsory recognition and bargaining for such groups and they do not have access to the safeguards and benefits which the Act offers through its various administrative bodies.

Some of these groups like ACTRA and FAAC have bilaterally negotiated wages and working conditions with the CBC and attempted to apply these rates unilaterally to the private broadcasters. The AFM, on the other hand, proudly boasts that they do not negotiate working conditions with anyone. They simply set their terms and conditions and employers take it or leave it. Nevertheless, they did negotiate an agreement with the CBC in 1960 and again in 1964. We shall now look briefly at each of these groups.

The American Federation of Musicians of
the United States and Canada (AFL-CIO/CLC)

The AFM is the oldest of the talent unions. It was founded in the United States in 1896. The first Canadian local was chartered in Toronto in 1901 and that year the name was changed to include "Canada". There are now 35 locals and 17,495 members in Canada. The total membership of the AFM is 270,000.

Although it is affiliated to the large labour organizations of North America, the AFM boasts that they do not operate as a trade union in that they do not as a general rule, bargain collectively. The union establishes a tariff of fees which is revised and published each year. If a prospective engager is unwilling to pay the scheduled rates he simply goes without the service of the musicians. The union does not place people in employment, yet they are nevertheless, a closed shop, not by virtue of negotiated agreements with engagers, but by the great solidarity and unity of musicians in North America. The AFM has no strike fund and pays no strike benefit, yet has the power to close down a show any time it is dissatisfied with the working conditions offered to its members.

For many years the CBC accepted the rates and conditions set forth by the musicians unions and as early as 1952 there was a non-contractual obligation on the part of the Corporation defined in a Letter of Intent, to devote 35 per cent of all expenditures on talent, towards musicians fees. This obligation has been renewed each year although it is not included in the collective agreement. The AFM maintain that they never enter into negotiations unless they have a work guarantee for their members. With some engagers this is defined in terms of numbers, but with the CBC it takes the form of a percentage of the value of total expenditures on talent. Engagers who will not accept a work guarantee are given the highest rates.

The Association of Canadian Television
and Radio Artists (CLC)

ACTRA is an organization which represents professional English language writers and performers of Canada on television, radio and film. Groups of writers and performers were directly chartered by the American Federation

of Musicians at Toronto, Winnipeg and Vancouver around 1942 and were called the Association of Canadian Radio Artists. Agreements were negotiated with various engagers by the Toronto group and applied at the other locations.

In 1952, there was a merger of L'Union des Artistes de Montréal, La Société des Artistes of Quebec City and La Société des Auteurs de Montréal, with the Association of Canadian Radio Artists. The new group became known as the Council of Canadian Authors and Artists (CCAA). The CCAA was a loose national organization. The local groups retained full autonomy on contractual matters, and the CCAA co-ordinated their activities. This association represented artists, authors and performers in Canada in both the English and French language and was affiliated to the Canadian Labour Congress.

The CCAA gained voluntary recognition by the CBC and concluded its first collective agreement covering writers for radio in September 1953. In 1954 it negotiated two agreements, one for radio performers and the other for writers for the television medium. In 1957 an agreement was reached covering the television performers.

By the end of 1959, as an aftermath of the Montreal Producers' recognition issue, there was a split in the CCAA between the French and English members. La Société des Auteurs (100 members) and L'Union des Artistes (800 members), the two Montreal locals of CCAA, had given all-out support to the Producers' Strike and refused to cross the picket line. On the 11th day of the strike (January 8, 1959) Mr. Neil Leroy, the National President of the CCAA which had hitherto given tacit support, issued instructions to its 1,200 Montreal affiliates to report for work. The local president of the Montreal ACTRA group distributed the telegram to

the 250 members, but no further action was taken. The other two CCAA groups in Montreal, L'Union des Artistes and La Société des Auteurs, instructed their members to continue respecting the picket line. On February 1, the National Executive of CCAA suspended these two member organizations for breaking the CCAA constitution and by-laws by participating in a boycott not authorized and specifically forbidden by the parent body.

Relations between the two groups became very strained and eventually in 1960, the Quebec and Montreal artists and authors broke away and formed La Fédération des Auteurs et des Artistes du Canada. The CCAA was left with only the English speaking element, and in 1963 its name was changed to The Association of Canadian Television and Radio Artists.

With the change of name there was also a change of organization. What had previously been a loose national association of autonomous local groups now became a highly consolidated national body. All records were centralized and a national office was established in Toronto. Since that time ACTRA's strength and influence has increased tremendously. Membership has grown from 2,563 in December 1963 to 3,176 active members in June 1967. In 1961 the Association obtained voluntary recognition by CTV and concluded an agreement covering television performers. This year an agreement covering television writers was also signed with CTV. In 1960 by Letter of Agreement between Baton Aldred & Rogers Broadcasting (CFTO) and ACTRA, CFTO agreed to adhere to the terms of the CBC agreement for television performers.

In the case of CFCF (Canadian Marconi Company), ACTRA has a dual personality. In 1961 it obtained voluntary recognition for the freelance artists and authors employed by the Company and negotiated an agreement

which is still in effect. This relationship, like all of ACTRA's dealings concerning freelance people, falls outside of the scope of the IRDI Act. However, in 1961, 12 of the 15 staff announcers and staff performers employed by CFCTF were members of ACTRA and wished to be represented by it in their day to day relationship as "employees" of the Company. As "employees" within the meaning of the Act, this group was entitled to the protection and safeguards of the Act, and as such were duly recognized as a unit appropriate for collective bargaining, and ACTRA was certified to be their agent in September. By June of the following year an agreement had been negotiated and signed. In 1964 this certification was amended at the request of the union, to include newscasters and newswriters.

In addition to these agreements with specific engagers, ACTRA has reciprocal agreements with a number of other unions both national and international. These are SAG (Screen Actors Guild) American Actors Equity (Canada or United States Performers), British Actors Equity (Performers) Australian Actors Equity (Performers) Writers Guild of America (Writers) Writers Guild of Great Britain (Screen Writers Guild - Writers).

ACTRA functions in every way like a trade union and protects the interest and rights of its members assiduously. It has offices with full-time representatives in each of the main centres across Canada and there are paid stewards who check into all productions of companies with which it has agreements, to assure itself that all performers engaged are members and are paid not less than the negotiated rates. The grievances are reported and processed by the stewards. This is a safeguard to the performer who, being engaged as freelance worker, is hesitant to lodge complaints for fear of not being engaged again. There is a three step

grievance procedure culminating in final and binding arbitration by a single arbitrator provided for in the agreement with CBC.

ACTRA's jurisdiction is very broad. It includes all performers in radio, television, and films, and all writers in the three media as well as playwrights for stage. Because of the freelance nature of the employment of such categories, it is difficult to assess the number of people who are covered by the agreement or are "members of the unit" at any point in time. It is a widely fluctuating unit and depends entirely upon the discretion of the employer and the exigencies of the programmes. In the 1966-68 CBC agreement, ACTRA attempted to negotiate so-called "work guarantees" by which the Corporation would guarantee to spend not less than \$12½ million in 1966 and \$15 million in 1967, on talent fees. This would not have protected the absolute numerical size of the "unit" but would have been a sort of working guideline. Within this financial specification the numbers employed would fluctuate, but aggregate earnings by Canadian talent from the CBC would have been guaranteed. However, the union failed in this attempt because the CBC would not commit itself to the spending of specific sums on talent in any particular year due to the uncertainty of the programme requirements. The Corporation, nevertheless, subsequently informed the union by Letter of Intent that it would enrich the total expenditure on talent by \$850,000. This was not a contractual arrangement and is not reflected in the negotiated agreement.

At their negotiations ACTRA tried to obtain a full union shop in their writers agreement. By this, all writers employed by the Corporation would have to become members of ACTRA or be qualified by ACTRA by means of work permits or waivers. The CBC balked at this. It was prepared to go as far

as paying not less than the minimum rates prescribed by the Collective Agreement to all writers, whether members of ACTRA or not. The union withdrew from negotiations and terminated all agreements with the Corporation as of October 1, 1965. It imposed further sanctions by instructing its members not to work on CBC productions unless the writers were members of or qualified by ACTRA. The final settlement resulted in a union security clause which is in effect, the Rand Formula. The Corporation agreed to check off 2 per cent of the gross fees of non-members and remit them to the Association on a monthly basis. The agreement also specifies that the negotiated rate and conditions must apply to non-members as well as to members.

The Radio and TV Performers Agreements stipulate that the Corporation "shall not require any member of the Association to take part in a telecast with any person unless such person is qualified for performance by the Association prior to first rehearsal or comes within an exclusion recognized under Article 301. 1/ The TV Agreement also provides for a Rand Formula type of security, whereby non-members pay a graduated contract service fee up to the ninth engagement, whereupon he shall become a member of the Association, or if he does not wish to join ACTRA he must continue to pay a contract service fee of \$15.00 per engagement.

The ACTRA agreements with CBC make provision for the appointment of a union steward to any production where a performer is engaged and for the sharing of the cost of the steward's fees by the Corporation.

The Collective Agreements specify the minimum fees and conditions within the framework of which each performer has an individual contract.

ACTRA has become a very vocal pressure group for the use of Canadian Talent and for the raising of the Canadian content of radio and television programmes in Canada in recent years. In so doing, it endeavours to procure employment for Canadian talent and encourages the maintenance of the national identity through the Canadian Broadcasting system.

La Fédération des Auteurs et
des Artistes du Canada (CLC)

Following the Producers' Strike, the three French language groups withdrew from CCAA and formed La Fédération des Auteurs et des Artistes du Canada in 1960 to represent authors and artists of French expression. They applied to the CLRB for certification but realizing that they do not qualify as a trade union, they withdrew the application. They were given voluntary recognition without any apparent hesitation on the part of the CBC although this split in the ranks of the artists presented the Corporation with the problem of dealing with two groups representing the same classification of workers. This rather significant precedent of the fragmentation of an existing national "unit" and the recognition of a unit on a purely regional and linguistic basis seems to have taken place without any cogitation or soul searching on the question of principle. It has come back to plague the Corporation in the use which the SGCT has made of it by citing it as a precedent for the splitting up of a national unit in its attempt to displace IATSE as the agent for the Montreal Production Workers.

FAAC immediately after being recognized by the CBC started to negotiate a collective agreement for its members. These negotiations continued intermittently on and off for almost three years. Eventually, with the help of a private conciliator an agreement was concluded in July 1963, for a period

of two years and was renewed at the end of 1965 for a further two years. The conditions are quite similar to those in the ACTRA agreement with certain modifications which take into consideration the peculiarities of the French scene.

This concludes discussion of the main talent groups who because of the contractual nature of their employment are excluded from coverage of the IRDI Act. The other excluded category is the Producers' Associations. Their exclusion is on the score of their managerial function. Because the issues are so different they will be discussed separately in the following chapter.

REFERENCES

- 1/ TV Performers Agreement between CBC and ACTRA, 1966/68, p. 11.

CHAPTER VI

PRODUCERS' ASSOCIATIONS

Montreal Producers' Association

The Montreal Producers' Association gained voluntary recognition from the CBC in 1959 following a stormy period of agitation and unrest in which the whole of the labour movement was deeply involved. Governments at all levels and employers across the country were gravely exercised over the issues and the public, particularly in Quebec, was greatly agitated.

The Producers' Strike

The basic issue was clear-cut and well defined. It was a question of recognition for the purpose of collective bargaining, of a group of persons who are specifically excluded by the IRDI Act from so doing. The Act clearly states that the term "employee" does not include "any person who in the opinion of the Board exercises management functions". The CBC claimed that its television producers were a part of management and referred to the ruling of the CLRB of August 1953, which excluded them from membership of a national broadcasting union on the ground of their managerial responsibility. Nevertheless, the Director of Talents (Montreal) advised a meeting of television producers that the Corporation had no objection whatever to the producers forming themselves into an association within the management area, but that affiliation with a union group and the right to bargain collectively were incompatible with the management status of producers. The producers maintained that their function had changed considerably since 1953. As television developed, the administration of the CBC had been altered and a large part of the producers' responsibility had been transferred to the

casting officers who had authority among other things, to fire performers and handle the budgets. A spokesman for the producers said, "We would be willing to give up any pretensions to management functions in order that our syndicate be recognized...". 1/ Their dissatisfaction arose from the feeling that their professional status was being undermined. The removal from their contracts of clauses which required the Corporation to start negotiating with them 90 days before their individual contracts expired was a source of grave concern. 2/ Twenty-two out of the 74 striking producers had contracts which had expired. Without contracts they alleged that they were delegated to menial jobs and their prospects were jeopardized.

At 5 p.m. on December 29, 1958, the Producers' Association called a strike and set up a picket line around the CBC building in Montreal. They were immediately joined by the Montreal locals of all the broadcasting unions who refused to cross the picket line. The French language television network would have been completely blacked out but for the 400 technicians and administrative staff who did not belong to any union and the availability of canned productions, films, records and tapes.

In response to the producers expressed willingness to give up their status and responsibilities as managers in order to negotiate collectively, the CBC proposed that if they return to work and remove the picket line, the Corporation would right away recognize the Montreal Producers' Association, provided that it was independent and unaffiliated with any trade union or federation of trade unions. Upon return to work, a joint committee of the Association and the Corporation would be set up to consider the status, function, and responsibility of the television producer. If the Committee recommended the removal of the management function from the producers, they

would then have to go through the usual channels and be certified by the CLRB, before the CBC would recognize them for collective bargaining purposes. This proposal was rejected outright by the producers who described it as having "no guarantee for the future". 3/ They were prepared to accept a change of status, but insisted that recognition would have to come first.

Discussions were held on and off in a search for a formula for settlement. At one stage when negotiations had broken down and the strike was in its twenty-first day, the Producers' Association submitted proposals for the appointment of an independent arbitrator chosen from among the Directors of the Industrial Relations Departments of either McGill, Laval, or the University of Montreal, whose judgment the parties would undertake to accept in advance. The arbitrator would rule on the four main issues:

- (a) The Producers' right to form an association for the purpose of upholding their professional and economic interest with the CBC.
- (b) The recognition on such an association by the CBC.
- (c) The legitimacy of the Association demanding the negotiation of a collective agreement which would have among other provisions, a clause providing for a defined grievance procedure under an impartial arbitrator.
- (d) The right of the Association to affiliate with a labour federation.

If the CBC consented to naming an arbitrator, the producers would return to work provided there was no discrimination or loss of salary caused by the strike. Similar solution had been proposed by the CBC to prevent the walk-out on the day the strike started. The Corporation had thrown out the suggestion that the legal advisers of the Producers' Association and the Corporation study together the legal aspects of the producers' demands, and if

they found it necessary, submit the problem for an opinion to either the Department of Labour or the Department of Justice or to an individual justice or any third person acceptable to both parties. 4/ This, however, did not constitute a concrete proposal for preventing the work stoppage and it had been flatly rejected by the producers. Now the Corporation was in no mood to accept this proposal for arbitration, tied as it was to the proviso that no financial loss be suffered by the 1,200 employees who respected the picket line. The Corporation turned down the proposal reiterating that the matter be submitted to the CLRB and issued an ultimatum that unless the position of the producers were modified substantially, the Corporation could no longer deal with it and would therefore take steps to restore normal radio and television services.

On January 22, letters were sent to the 74 striking producers stating that they would receive their separation documents and cheque in lieu of leave and other credits within a few days. That same day, letters were sent to the 1,200 employees advising that if they do not return to work within 12 hours they would be deemed to have resigned. This brought strong reaction from the union leaders who informed the CBC that "the inability of our members to report for work is caused by circumstances beyond their control and if the Corporation insists on acting on the assumption that these members have resigned...union...will consider that the CBC has abrogated its collective agreement and will take necessary and appropriate action to protect the rights of its members". 5/ The Montreal locals of the unions had formed an ad hoc Council of Broadcast Unions to deal with the emergency. This body held a meeting with CBC officials on Sunday, January 25, the day before the deadline set in the Corporation's ultimatum and at their request, the deadline was deferred.

Proposals that the federal government set up immediately its broadcasting committee to deal with the dispute between the CBC and the producers were turned down by the Prime Minister. The leaders of the seven supporting unions requested Mr. Michael Starr, the Minister of Labour, to intervene, but the government stood firm in its posture of remaining uninvolved. However, Mr. Egan Chambers, member for the Montreal constituency of St. Lawrence/St. George in which about 60 per cent of the employees resided, attempted in a purely private capacity to mediate the dispute. By February 9, tentative agreement had been reached on the main points at issue.

The CBC agreed to accept the Producers' Association as the agent for the television producers on the condition that the Association does not become directly affiliated with a labour group, but conceded that "it has the right of course, to ensure for itself advice of a technical nature and assistance from such third persons or groups". 6/ Within 15 days of signing the return to work settlement, the parties would begin to negotiate a collective agreement which would have to be honoured by the individual contracts and if an agreement is not reached after six weeks, the dispute would be submitted to Professor H. D. Woods for final and binding arbitration. These points were reputed to have been initialled by both sides as preliminary to a final agreement. However, at this stage, the Producers' Association let it be known that no agreement would be signed until conditions satisfactory to the unions which supported them were agreed upon. This brought forth accusations that the Association had not been negotiating "in good faith".

Negotiations for a back-to-work formula were then started with the so-called "non-striking unions". They were demanding full pay for the period during which they were absent because of alleged fear of injury on crossing the producers picket line. The Corporation was adamant in its stand of no pay for work not performed. Eventually, on February 24, return to work conditions were ratified by the unions' membership which were substantially the same as those offered by the Corporation in the beginning—namely that there would be no pay for the period not worked and that any grievances arising out of the work stoppage be dealt with according to the grievance procedure provided in the collective agreements with each union. The major concession from the CBC's original stand was that seniority rights would be uninterrupted. The Corporation undertook to place on its payroll as soon as they return to work the members of NABET, IATSE and the Guild, but only on condition that producers, artists and authors returned simultaneously.

Now that the conditions for a return to work had been ratified by the supporting unions, hopes were high that the producer's agreement which had been made contingent upon a satisfactory settlement for their supporters, would be signed and the "strike" would be over. But on March 2, the Producers' Association had issued a statement saying that there could be no question of their breaking all relations with the Canadian and Catholic Confederation of Labour (CCCL) and spoke of "the normal machinery of our Association's affiliation to this labour organization" being not yet complete. 7/ Thereupon, the CBC demanded clarification. In its newsletter of March 3, it published the following:

On being asked at a subsequent meeting if they were not affiliated, Producers' replied that they were not. When asked if it was their intention to affiliate, they replied that CCCL would study machinery which Producers' and CCCL could use without actual affiliation. 3/

The producers position re affiliation was set forth in a written statement which was sent to the CBC through Mr. Egan Chambers which is quoted here:

In conformity with the agreement entered into by our representative and those of the CBC, our Association is independent vis-à-vis any third person, labour union or group of unions. However, and still following the spirit and letter of our agreement, we reserve the right to assure for ourselves the technical advice and the assistance of such third persons or groups. There is no question of l'Association des Réalisateurs breaking all relations with the Canadian and Catholic Confederation of Labour. The normal machinery of our Association's affiliation to this labour organization is not completed, even though a request to this effect had been voted before the strike by a general meeting of our membership. It is evident, however, that we now intend to respect both the spirit and letter of the agreement which we have arrived at with the CBC and that our relationship with the CCCL will be regulated by a special statute, different from that of regular unions affiliated to this organization and taking into consideration the independence which we have agreed to maintain. 2/

The CBC interpreted this to mean that a relationship with the CCCL was being pursued and said that this was not, nor ever had been, its interpretation of the disputed clause. Both parties accused the other of acting in bad faith, suspicion and distrust spread, and a further impasse was reached. There were demonstrations by sympathizers of the producers and attempts by the police to disperse the crowds resulted in violence and injury to a few people, and arrests and imprisonment of several supporters. Negotiations completely broke down and the strike was further prolonged.

On March 5, the CBC sent a telegram to Mr. Fernand Quirion, President of the Producers' Association offering "in consequence of the Producers' lack of assurance to the effect that affiliation would not be pursued" an

alternative solution in the form of a "director" type system in which the producers of Montreal would relinquish their managerial function. 10/
An association of such personnel would be free to affiliate with any union group, and the CBC would not contest their application for certification by the CLRB.

It will be remembered that the producers had originally been willing to give up their management function, but the CBC's response to their suggestion had been shrouded in so many provisos and uncertainties that according to the Producers' Association "it offered no guarantee for the future". The CBC had said that if the producers would go back to work immediately it would study the problems involved in the new status but that it would probably take three months. The Association had refused to return to work under those conditions and had described it as an attempt to stall. Now after two months instead of three, the CBC was offering the original scheme proposed by the producers. Producers rejected it as another attempt to stall.

Just when the situation seemed at its most hopeless, as so often happens in these matters, a solution was found. Through the mediation of Mr. Egan Chambers, a statement on the affiliation issue was drafted which found acceptance by both parties. The statement said simply,

The Producers' Association does not interpret the Memorandum of Agreement as permitting the Association to be or become affiliated directly or indirectly or through the intervention of a third party with the CCCL or any union, group of unions or federation of unions. 11/

By this simple statement the 69-day-old strike of 74 television producers and 1,200 CBC employees and artists was terminated.

The issues, events and outcome of the producers "strike" was a milestone in labour relations in Canada. Never before had the demand for recognition and collective bargaining by a group of management personnel been so strongly expressed by themselves and so wholeheartedly supported by their fellow employees. The solidarity of all categories of employees with the producers who exercise managerial responsibilities over them was remarkable. On the other hand, the isolation of the Quebec Division from the rest of the CBC across the country was starkly apparent. There was no evidence of sympathy from the producers in other CBC centres and a somewhat hostile attitude by the national officers of the unions was strongly evident. As the "strike" progressed it became apparent that it had ceased to be a management/employee dispute and developed into a flame of nationalism. The firm refusal of the Government to intervene and the often unsympathetic attitude of the English press, contributed to the feeling of the producers and their supporters that they were up against the machination of English Canada. There was widespread feeling in Quebec that if the strike had affected the English network the Government would have made greater effort to find a quick solution.

However, the outcome was that the Producers' Association was given "voluntary" recognition as the bargaining agent for a unit of 74 television producers in the Quebec Division of the CBC. To have recognized a local unit as appropriate for collective bargaining was another departure from precedent. All other groups bargained on a national basis and settled for wages and working conditions at all CBC centres across Canada. The Producers' Association was recognized as the agent for the Montreal producers. Collective bargaining would be confined to working conditions only, the question of wages being excluded and reserved for private negotiation

between the employer and the individual producer. Thus, the Montreal producers would be protected by both a collective agreement and an individual contract.

The parties entered upon negotiation of a collective agreement in due course, but the atmosphere of hostility, bitterness and suspicion and the novelty and complexity of the areas and issues under discussion were such that no agreement was reached within the six weeks specified in the Memorandum of Settlement. The matter was therefore referred to Professor H.D. Woods for arbitration in compliance with the terms of the Memorandum.

The Arbitration

This arbitration was quite an exceptional matter in the history of labour relations in Canada. Arbitration of rights disputes is written into most collective agreements and in fact the IRDI Act makes it obligatory that every agreement "shall contain a provision for final settlement without stoppage of work, by arbitration or otherwise, of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into concerning its meaning and violation". 12/ Arbitration of "interest" disputes is quite another matter. Apart from the case of firemen and policemen (as a general rule) it is not provided for in the federal law, or indeed in any labour law in this country. 13/ On those so-called interest disputes even the "recommendation" of the conciliation board is only binding if the parties so agree in writing.

The power of the arbitrator in this case was conferred on him by the Memorandum of Agreement which brought the strike to an end. Clause five of the Memorandum specifically stated that if the parties do not come to

an agreement after six weeks, the disputed points must be submitted to Professor H. D. Woods "whose decisions will be accepted by each party". It was hitherto unheard of for an employer to recognize a group of management personnel for the purpose of collective bargaining; for those parties to agree between themselves to submit their differences to final and binding arbitration was revolutionary.

The arbitration proved extremely difficult because of the wide range of subjects which had to be dealt with and because of the attitude of the parties involved. The bitterness and resentment caused by the strike was still fresh. The CBC is alleged to have acted as if they wished to avoid recognizing the dispute as falling within the context of industrial relations. Their approach was extremely legalistic and according to the arbitrator implied "a determination to reduce the meaning of the Memorandum to the lowest minimum". The producers for their part, demanded solutions which would have made administration extremely difficult. They distrusted the managerial hierarchy and held their supervisors in disdain. They failed to concede the wider implications of a local settlement upon the Corporation's personnel policies across the country. To devise a method of meeting the producers demands in a way that could be accommodated within the wider national personnel policy was an enormous problem.

The central issue, and perhaps the most difficult, was the nature and degree of supervision. The producer is an artistic and creative person and his reputation depends upon the quality of his production. He needs assurance that once given his assignment he is left in complete charge with freedom to express his own ideas without interference from his supervisors. Further, his tastes and aptitudes should be taken into account in

making assignments so that his creativity could find suitable expression. The first agreement signed on June 23, 1960, clearly conceded these points and defined and recognized the professional status of the television producer in the Quebec Division. The Montreal Producers' Association believe that with an agreement of this nature the "Seven Days" affair could not have happened.

The CBC wished to retain the position that the termination of an individual contract (which was usually of very short term of one year) terminated the relationship between the producer and his employer. But job security loomed large in the thinking of the French language producer for whom alternative sources of employment in his chosen field were very scarce. The producers therefore wished to make the Corporation accountable on a just cause basis in cases of separation from employment. They contended that the signing of the Memorandum of Agreement made the producer an employee by virtue of the collective relationship so that failure to agree on the terms of a new individual contract could no longer mean termination of employment. The individual contract should now affect only the individual's salary and no longer has any significance so far as his work relationship with the Corporation is concerned. However, the first contract did not quite achieve this although it went a considerable distance towards relieving the worst uncertainties of employment arising out of the capriciousness of CBC management by making termination of employment subject to arbitration.

The agreement set minimum salary scales, specified the work week, sick leave, special leave, unauthorized absences, annual leave, holidays, seniority and a check off union security clause upon written authorization.

However, the producer continued to be hired under individual contract which "shall respect the terms of this agreement and in any event not be less advantageous than the agreement". 14/ Failure to negotiate a new individual contract became subject to the grievance procedure which provided for an arbitrator who was invested with power "to direct that an employee who has been wrongfully suspended, laid off, discharged or otherwise disciplined during or at the termination of his individual contract, shall be reinstated in him employment". 15/

The first agreement was for a term of one year. A second agreement was negotiated and became effective from October, 1962 to March, 1965. By this time much of the bitterness and hard feeling had been softened, and the new contract was substantially different. It gave the producers the option of becoming staff members with all the benefits and privileges that this involved, including Group Life Insurance and Pension Plan, plus the opportunity of supplementing his basic salary by individual contract which "will not be subject to or fall within the jurisdiction of the present Agreement". 16/ This "overage" as it is called in the profession, makes allowances for individual differences within these collectively agreed scales and provides scope for the recognition of individual merit and encouragement of individual initiative. Such provision would seem to be eminently desirable in the field of broadcast production where individuality and originality are the hallmark of competence. The problem of finding a formula for individual ability within the framework of a collective agreement is a matter which is currently engaging the attention of engineers and other professional groups.

The Montreal producers as a result of collective bargaining achieved an enormous amount in the space of two years. They became members of the

staff of the CBC, they got a collective agreement covering general working conditions and setting basic salary scales, and in addition gained the privilege of negotiating individual contracts for rates of pay over and above the collectively agreed scale, thus providing for substantial variation around the norm. This is an unusual combination of employment arrangements and it was all achieved outside of the law on industrial relations. Is there a case for enlarging the scope of the law to cover these excluded categories, or should the existing structure be maintained so that only the bold and fearless may wrest the benefits of bargaining through the strength of their collective action? The answer to this question is beyond the scope of this study as it is largely a policy matter. Since the Producers' Association took matters into their own hands and achieved collective bargaining and the fruit thereof, a few other management groups have followed suit, but this is still the exception rather than the rule.

Other Producers' Associations

The special status of the Montreal producers has inspired the producers in other centres to take an interest in collective action. Attempts had been made since 1959 to form viable associations and some of them had discussed working conditions with management informally. No serious attempt to obtain recognition for the purpose of negotiating collective agreements seems to have been made by any single groups. However, in 1966, the members of the Producers' Associations from Vancouver, Edmonton, Winnipeg, Ottawa and Cornerbrook, joined the Montreal Producers' Association as individual members, and that Association is now in process of negotiating a collective agreement with the CBC for its members in the outlying localities.

The Toronto Producers' Association

The Toronto Producers' Association has stayed out of this arrangement. It is rather difficult to grasp how this body conceives of itself or what it aims for. Its members do not seem to consider it to be a labour organization in the usual sense of such institutions, although one of its aims is concerned with contractual arrangements and liaison with the employer. The organization has been in existence on and off since 1959. When things are running smoothly, interest and activity seem to lapse, but they spring to life again whenever matters affecting their professional status become cause for concern. Thus, they were greatly exercised over the "Preview Commentary" squabble of 1959, the "Prizek" affair of 1965 and the "Seven Days" affair of 1966—all of these being incidents which threatened the professional status and authority of producers. The Association is mainly interested in such things as production techniques, operational conditions, public relations, and the creation and development of programme ideas. It seems to be greatly preoccupied with the corporate structure of the CBC and the line of command and authority between top management and producer. No signed collective agreement on working conditions and wages has been sought because they say they have found the day-to-day relationship sufficiently developed to provide for the processing of such problems. The Association is now working towards a comprehensive written agreement which will be not a collective agreement in the traditional meaning of that term, but a document which will constitute the contents of a producer's manual containing elements which might conceivably be subject to external arbitration.

The Toronto Producers' Association can hardly be classified as a labour organization but it is briefly referred to here because of its conflicting

attitudes. The members do not seem to wish to belong to a labour union with all that that implies, yet events seem to be relentlessly pushing them in that direction as the most effective method of establishing and maintaining their professional prestige within the CBC hierarchy. The great success achieved by the Montreal Producers' Association which openly and unashamedly espoused trade union methods is an embarrassing reminder of the effectiveness of labour organization techniques in bolstering up the status of professional workers.

The Radio Producers' Association (Montreal)

This is a group of radio producers engaged in the Quebec Division of the CBC. They gained voluntary recognition in 1963 and immediately started negotiating a collective agreement which was signed in May, 1964. Although this group can be described as having managerial responsibilities the issue of recognition which resulted in so much agitation and bitterness when the television producers first put it to the test four years earlier was not a problem. By this time the convenience of dealing with an organized body even though they are excluded by the IRDI Act had begun to be appreciated and the Corporation did not resist the Radio Producers' Association when they demanded recognition.

The Agreement provides for a grievance procedure leading to final and binding arbitration. Allowances are made for rewarding exceptional talent at values above the negotiated scales by way of individual contracts which are outside the jurisdiction of the collective agreement.

REFERENCES

- 1/ Industrial Relations Newsletter, Canadian Broadcasting Association, Volume 1, Special Issue, January 8, 1959.
- 2/ The Montreal Star, January 6, 1959.
- 3/ Ibid., January 17, 1959.
- 4/ Industrial Relations Newsletter, op. cit., January 6, 1959, p. 3.
- 5/ Ibid., January 23, 1959, p. 3.
- 6/ Ibid., March 3, 1959, p. 5.
- 7/ The Montreal Star, March 3, 1959. Editorial.
- 8/ Industrial Relations Newsletter, op. cit., March 3, 1959, p. 7.
- 9/ Ibid., March 3, 1959, p. 8.
- 10/ Ibid., March 5, 1959, p. 6.
- 11/ Ibid., March 7, 1959, p. 2.
- 12/ IRDI Act, Part 1, Section 19(1).
- 13/ Very recently, in 1965 and 1966 respectively, arbitration was made mandatory for Ontario hospital workers and Saskatchewan public employees deemed to be employed in essential services.
- 14/ Agreement between CBC and the Producers' Association, 1960, p. 9.
- 15/ Ibid., p. 3.
- 16/ Agreement between CBC and The Producers' Association, October 1962, Article 204, p. 8.

CHAPTER VII

SUMMARY

Industrial relations in broadcasting has made interesting departures from traditional practice and innovated forms and procedures which are remarkable for the ingenuity and resourcefulness which they reflect. Contract workers such as artists, writers and the professional-creative personnel (producers) have, by sheer force of their organized strength and without benefit of the CLRB coerced employers to negotiate with them in both the private and the public sectors of the industry. Although, specifically excluded from collective bargaining by the law which governs industries under federal jurisdiction, these groups have ingeniously wrested the principle of social justice implied in the law and adapted it to their own objectives. Their collective agreements exhibit novel features. Outstanding among these are the protection they guarantee to the status and prestige of members and the accommodation they make for recognition of special merit through negotiation within the framework of the collective agreement, of individual contracts. These allow substantial variations above the norm based on individual ability. Some of these operational techniques might well be a model for other groups currently experimenting with bargaining for the first time.

In the more traditional areas of collective bargaining, great strides have been made in the publicly owned sector of the industry. In the private sector however, only a minority of the employees have succeeded in exploiting the policies and procedures devised by the IRDI Act for their protection and benefit. In the publicly owned CBC, more than two-thirds of the

employees are covered by collective agreement. Although management-labour relationships have their rough and stormy passages there is, nevertheless, in the Corporation, full acknowledgement of the right of employees to engage in bilateral negotiations for the settlement of wages and improvement of working conditions. This is not to imply that management in the public sector has always welcomed or encouraged union affiliation and activity. The unions have had to fight every inch of the way, but having though reluctantly entered into the relationship the CBC has for the most part, played fair and there has developed mutual respect between the parties.

The same thing cannot be said for the private half of the industry where collective bargaining is the exception rather than the rule with just over one-third of the employees covered by collective agreements. A few unions have established the right to represent employees in a few private stations, but by and large there seems to be mutual contempt and distrust. Management claim that they are not opposed to the principle of bilateral discussion of wages and conditions, but they allege that the unions do not have the support of the employees in the designated units. The other side counters that management is uncompromising and intransigent in its behaviour and uses unethical and unjust methods of weakening the union and demoralizing the membership.

In the public half of the industry to which the major findings of this study relate there are two main problem areas for which satisfactory solutions have not yet been found. One of these had to do with the difficulties encountered in defining the unit appropriate for collective bargaining. Associated with this are the special issues related to professional and supervisory employees. The other problem concerns the

choice of the bargaining agent; a problem so severe that it threatens to disrupt the whole fabric of the industrial relations system in the country.

The Industrial Relations and Disputes Investigation Act limits collective bargaining to "employee" as narrowly defined in the Act. It excludes professional, supervisory and management personnel and employees whose responsibilities imply a measure of confidentiality. Nowhere does the Act spell out the criteria for distinguishing these categories and the onus falls upon the Canada Labour Relations Board to define the boundaries. While the Board's investigations into the nature of the supervisory responsibilities have been painstakingly detailed, there has been growing dissatisfaction by ARTEC over the criteria used in the past for exemptions and over the increasingly large number of persons who are excluded on the grounds of the confidential or supervisory nature of their employment.

The fact that supervisory and professional persons in certain other jurisdictions are covered by legislation which enables them to engage in collective bargaining is having a demoralizing effect upon broadcast personnel. They now see persons at higher levels of responsibility in the supervisory and managerial ladder enjoy privileges from which they are barred by archaic and outdated legislation. The whole question of union affiliation for these categories has recently been receiving a great deal of attention. It may perhaps not be too much to claim that this is an area in which the trade union movement has made greatest strides during the sixties. The Public Service Staff Relations Act of 1967 which permits collective bargaining for supervisory and professional persons in the Federal Public Service was a milestone in industrial relations in Canada which is certain to affect the course of labour management relations in a wide spectrum of other

organizations. It is bound to generate pressures for change in various provincial labour relations acts which do not now permit professional and managerial persons into the collective relationship, and in the IRDI Act under which the relationship in broadcasting functions.

The case of the CBC television producers illustrates vividly the nature of the conflict which can arise from the absence of clear-cut criteria for defining supervisory and managerial functions. The CBC had contested that television producers were essentially managerial and on this score they had been deleted from the unit for which IATSE had been certified in 1952. The producers later argued that they had been stripped of whatever managerial function they wielded with the appointment of casting officers. They challenged the managerial content of their work assignment and argued that their powers of decision making insofar as these affected their professional standards did not constitute a management function as such. The real issue was the criteria for defining management function. The matter of their professional status was never in question. Under the Act producers would be excluded from union affiliation on both these scores.

The professional issue was never tested before the CLRB. The producers took matters into their own hands and by dint of union solidarity so effectively succeeded in crippling the operations of the CBC that they were able to force voluntary recognition. They function in all respects like a trade union although they are not covered by the labour legislation.

The case of the writers, artists and musicians is similar. Because of the contractual nature of their employment, they do not qualify as "employees" under the Act and therefore are legally excluded from collective bargaining. Yet some of these groups are among the most vigorous

negotiators of wages and working conditions and jealously guard the status of their members. Although excluded from the protection of the law, they nevertheless enjoy the benefits which the law is designed to confer.

In the light of these anomalies the question arises as to whether there is a case for enlarging the scope of the law to cover the excluded categories. Except for a certain degree of consistency which this would bring to industrial relations practice there does not seem to be great justification for doing so. And in many circumstances consistency is a questionable virtue. The practical benefits to the groups would be negative; it may be that there is a case for the practice of two distinct systems of industrial relations alongside of each other, the North American system which rests on compulsory recognition following certification by a Government body and the British type system which relies upon voluntary recognition by the employer. The practical benefit of changing the law to include these groups would not seem to justify the effort since they already enjoy all the privileges of certified agents.

The other major problem which emerges from this study of industrial relations in broadcasting is one associated with the choice of a bargaining unit. It centres around the production workers whose disillusionment and defection from the IATSE originated in a complicated mesh of irritations and inefficiencies. Dissatisfaction manifested itself in numerous attempts to have IATSE decertified and replaced by a union which more adequately represented their grievances and advocated their cause. In the search for better representation, it became apparent that the production workers wished to sever the international link and to break away from the domination of an American based union.

Attempts to form a national organization which would have support right across the country met with little success. Eventually the Quebec employees joined a CNTU affiliate which seemed to hold a promise of improved service. The workers had been without representation for nearly two years and the need to resume orderly collective bargaining was beginning to assume a degree of urgency that was akin to desperation. The problem arose out of the fact that the union of their choice was a Quebec based organization which lacked support on a national scale. To certify such a unit would constitute a serious departure from accepted procedure. Though no legal principle was involved, the policy and practice of more than a decade was being challenged. Both precedent and jurisprudence favoured system-wide bargaining units in industries under federal jurisdiction.

In the welter of agitation and recrimination which accompanied the campaign to dissolve IATSE and obtain recognition for an effective union the underlying problems were often lost sight of. The basic issues of regional representation and fragmentation of an established national bargaining unit were clouded over by arguments on linguistic and cultural separateness and heated controversy about the right to free association. Frustration, linked with a long series of baffled efforts, had the effect of distorting normal reactions, and the whole matter took on the aspect of a Quebec/Ottawa confrontation in which French Canadian nationalism seemed to take precedence over all other issues.

It is extremely difficult to offer recommendations for solution of the current impasse. It is interesting to speculate that less rigid adherence to precedent could open the way for splitting up of the national bargaining unit and permitting the Quebec based production workers

representation along regional lines. The political pressures for this appear to be powerful and in the absence of any requirement under the Act that certification be on a national basis, bowing to the practical realities would seem to offer at least a quick return to some measure of industrial stability in an organization so vital to Canadian unity. The obvious ineffectiveness and inability of IATSE to function satisfactorily elicits our sympathy for the members and justifies their desire for change. The fact that the union which appeals most strongly to them does not have support in other CBC locations across Canada, is an accident of geography and proximity. It should not be sufficient reason for denying individuals the right to belong to the union of their choice. Besides, the issue of Quebec nationalism may need to be assessed in the light of the history of the international union whose direction and control were based in the United States. Among CBC employees there is a marked degree of awareness of Canadian identity and a certain amount of dedication to promoting these ends. In such an atmosphere, preference for national unionism is very understandable.

However, if the problem be one of replacing an inept and defunct international union by an efficient Canadian union, other things being equal, it would be preferable to choose one which has support right across the country. Certification on a national basis reduced the conflicts which arise from crossing jurisdictional boundaries. If CUPE wins national support that would be the ideal solution. But failing this, and the Quebec employees remain steadfast in their loyalty to the CNTU affiliate with its narrow provincial base, then the administrative problems which will inevitably occur from fragmentation would seem to be the price which the Corporation will have to pay for a return to some semblance of orderly industrial relations.

These speculations apply both to the production workers and to members of the Guild, should it turn out that recent moves by Quebec Guild members to break away from the parent group is manifestation of something more deep seated than a passing whim.

In the course of this study, the major issues which have beset the progress of labour/management relations in the broadcasting industry have emerged. Many of these difficulties are related to the special nature of broadcasting and many of them have their origin in historical incidents which, with the passing of time, have become sacrosanct. Other issues are related to the social and technological changes which have taken place in the organization of the industry. No attempt has been made to match these changes in the social fabric with corresponding changes in the legislation under which the day-to-day relationship at the work place take place.

In this study an attempt has been made to define and to discuss these problems in a manner designed to facilitate identification and to clarify the issues. There are no easy solutions to any of the problems and to make recommendations either for the amendment of the law or for any other specific course of action, would imply a degree of presumption and naiveté of which one would not wish to be guilty. Certainly there is need for modification of the federal labour laws; but this law governs a variety of industries and to recommend changes to suit one particular industry would be short-sighted in the extreme. Such modifications must be made in the light of the experience of all the major concerns which function under federal jurisdiction. This study has attempted only to place the problems of this particular industry in proper perspective.

APPENDIX A

LIST OF ABBREVIATIONS

ACTRA	Association of Canadian Television and Radio Artists
AFM	The American Federation of Musicians of the U.S. and Canada
ARTEC	Association of Radio and Television Employees of Canada
BSEIU	Building Service Employees' International Union
CBC	Canadian Broadcasting Corporation
CCAA	Council of Canadian Authors and Artists
CCCL	Canadian and Catholic Confederation of Labour
CLC	Canadian Labour Congress
CLRB	Canada Labour Relations Board
CNTU	Canadian National Trade Unions
CTU	Canadian Television Union
CUPE	Canadian Union of Public Employees
CWSG	Canadian Wire Service Guild
FAAC	La Fédération des Auteurs et des Artistes du Canada
IATSE	International Alliance of Theatrical Stage Employees
IBEW	International Brotherhood of Electrical Workers
IRDI Act	Industrial Relations and Disputes Investigation Act
NABET	National Association of Broadcast Employees and Technicians
NUPSE	National Union of Public Service Employees
SAG	Screen Actors Guild
SGCT	Le Syndicat Général du Cinéma et de la Télévision

APPENDIX B

ETUDES DE CAS TIRES DU SECTEUR INDUSTRIEL—

RADIO ET TELEVISION

RESUME

Dans le domaine de la radiotélévision, il est intéressant de constater comment les relations du travail se sont éloignées des méthodes traditionnelles pour lancer des formules et des procédures nouvelles qui traduisent une ingéniosité et un esprit d'initiative remarquables. Ceux qui travaillent à forfait, comme les artistes, les scénaristes et les créateurs de productions (réalisateurs) ont, par la seule force de leur organisation et sans l'aide du Conseil canadien des relations ouvrières (C.C.R.O.), forcé les employeurs à négocier avec eux tant dans le secteur privé que dans le secteur public de l'industrie. Bien que la loi qui régit les entreprises placées sous l'autorité fédérale les exclut explicitement de la négociation collective, ces groupes de travailleurs ont ingénieusement tiré de la loi le principe de justice sociale qu'elle contient et l'ont adapté à leurs propres objectifs. Leurs conventions collectives contiennent des nouveautés. On y remarque entre autres la protection qu'elles accordent au statut et au prestige des membres et la place qu'elles réservent à la reconnaissance du mérite particulier, en admettant dans le cadre de leurs dispositions la négociation de contrats individuels. On y permet des variations substantielles qui dépassent la norme et qui sont fonction des capacités de chacun. Certaines de ces méthodes de fonctionnement pourraient servir de modèle à d'autres groupes actuellement en train de négocier pour la première fois.

Dans les domaines traditionnels de la négociation collective, les employés du secteur public de l'industrie ont fait de grands progrès. Par contre, dans le secteur privé, une minorité seulement de travailleurs ont réussi à faire servir à leur avantage et à leur protection les principes et les procédures de la Loi sur les relations industrielles et sur les enquêtes visant les différends du travail. A Radio-Canada, un organisme public, plus des deux tiers des travailleurs ont une convention collective. Bien que, dans cette entreprise, les relations patronales-syndicales aient des moments difficiles et orageux, la société cependant reconnaît pleinement à ses travailleurs le droit de négocier leurs salaires et l'amélioration de leurs conditions de travail. Cela ne veut pas dire que dans le secteur public le patronat ait toujours accueilli ou encouragé le syndicalisme. Les syndicats ont dû tout conquérir de haute lutte, mais une fois entrée dans le jeu, bien qu'avec réticence, la Société Radio-Canada a la plupart du temps joué franc jeu et il s'est développé un climat de respect mutuel entre les parties.

On ne peut pas en dire autant du secteur privé de l'industrie, où la négociation collective est l'exception plutôt que la règle. Un peu plus du tiers seulement des travailleurs ont une convention collective. Dans quelques stations privées, des syndicats ont fait reconnaître leurs droits de représenter les travailleurs mais, d'une façon générale, le mépris et la méfiance semblent régner de part et d'autre. Les patrons affirment ne pas s'opposer au principe de la négociation des salaires et des conditions de travail, mais ils prétendent que les syndicats n'ont pas l'appui des travailleurs des secteurs qu'ils disent représenter. L'autre partie répond que les patrons se montrent intraitables et intransigeants et qu'ils emploient des méthodes injustes et peu honnêtes pour affaiblir le syndicat et démoraliser les membres.

Dans le secteur public de l'industrie, auquel se rapportent les principales conclusions de la présente étude, deux problèmes majeurs n'ont pas encore reçu de solution satisfaisante. Le premier concerne les difficultés qui se posent lorsqu'il s'agit de définir le groupe propre à devenir partie à une négociation collective. A ces difficultés viennent s'ajouter les problèmes propres aux chefs de services et aux membres des professions. L'autre problème est le choix de l'agent négociateur; c'est un problème si grave qu'il menace d'ébranler toute la structure des relations du travail du pays.

La Loi sur les relations industrielles et sur les enquêtes visant les différends du travail n'accorde le privilège de la négociation collective qu'à "l'employé", dont elle donne une définition restrictive. Elle exclut les travailleurs membres des professions libérales ou membres des cadres ou de la direction de l'entreprise, et les personnes tenues au secret par leurs fonctions. Mais la loi ne donne nulle part des critères permettant de distinguer ces catégories et c'est au Conseil canadien des relations ouvrières qu'incombe la tâche de délimiter les secteurs. Même si le Conseil s'est donné beaucoup de mal pour déterminer avec force précisions la nature des fonctions de cadre, l'Association des employés de la radio et de la télévision du Canada (A.R.T.E.C.) est de plus en plus insatisfaite des critères d'exclusion qu'on a appliqués jusqu'ici et du nombre toujours plus considérable de travailleurs que l'on exclut de la négociation collective sous prétexte qu'ils sont préposés à des fonctions de cadre ou à des fonctions les tenant au secret.

Le fait qu'à d'autres paliers du gouvernement, la loi permet aux cadres et membres des professions libérales d'entreprendre des négociations collectives

a un effet démoralisant sur les travailleurs de la radiotélévision. Ils voient des gens occupant un palier plus élevé de responsabilité dans les secteurs de la direction et de la gestion jouir de privilèges dont les prive une loi archaïque et désuète. Toute cette question de l'affiliation syndicale des travailleurs de ces catégories fait couler beaucoup d'encre depuis quelque temps. Il n'est peut-être pas exagéré d'affirmer que c'est dans ce domaine que le syndicalisme a fait le plus de progrès durant les années 60. La Loi de 1967 sur les relations de travail dans la Fonction publique, qui permet aux travailleurs de la Fonction publique occupant des postes de cadre ou membres des professions libérales de négocier collectivement, a été un événement marquant dans l'histoire des relations du travail au Canada et il est certain qu'elle influencera le cours des relations patronales-syndicales dans un vaste éventail d'entreprises. Elle incitera les intéressés à faire pression pour que l'on modifie les lois provinciales des relations du travail qui ne permettent pas actuellement aux travailleurs de ces catégories de négocier collectivement, et que l'on modifie aussi la Loi sur les relations industrielles et sur les enquêtes visant les différends du travail, loi qui régit les relations du travail dans le secteur de la radiotélévision.

Le cas des réalisateurs de la télévision de Radio-Canada est un bon exemple du genre de conflit que peut engendrer l'absence de critères précis permettant de définir les fonctions de cadre et de direction. Radio-Canada soutenait que les réalisateurs de la télévision remplissaient essentiellement des fonctions de direction et, pour cette raison, ils ne faisaient pas partie de l'unité de négociation de l'International Alliance of Theatrical Stage Employees (I.A.T.S.E.) accréditée en 1952. Les réalisateurs soutinrent par la suite que la nomination de préposés à la distribution des rôles leur enlevait toute fonction de gestion qu'ils avaient pu exercer jusque-là. Ils

contestèrent l'affirmation selon laquelle leur travail comportait des fonctions de direction et soutinrent que leurs pouvoirs de décision, pour autant qu'ils concernaient leurs normes professionnelles de travail, ne constituaient pas une fonction de direction comme telle. Le véritable point en litige était de déterminer quels étaient les critères permettant de définir une fonction de direction. Leur statut de professionnel n'a jamais été contesté. D'après la loi, les réalisateurs ne pouvaient pas s'affilier à un syndicat pour cette raison autant que pour l'autre.

Le C.C.R.O. ne fut jamais saisi de la question du statut professionnel. Les réalisateurs prirent en main leurs propres affaires et, par la force de leur solidarité syndicale, ils réussirent tellement bien à paralyser le fonctionnement de Radio-Canada qu'ils purent forcer la Direction à les reconnaître volontairement. Leur association a toutes les caractéristiques d'un syndicat bien qu'elle ne relève pas de la législation du travail.

Le même cas se présente avec les scénaristes, les artistes et les musiciens. Parce qu'ils travaillent à forfait, ils n'entrent pas dans la définition que donne la loi du mot "employé", et par conséquent la loi les exclut de la négociation collective. Pourtant, certains de ces groupes de travailleurs sont de ceux qui négocient avec le plus d'énergie leurs salaires et leurs conditions de travail et ils protègent jalousement le statut de leurs membres. Bien qu'exclus de la protection de la loi, ils n'en jouissent pas moins de ses avantages.

En face de ces anomalies, on peut se demander s'il n'y aurait pas lieu d'étendre le champ d'application de la loi aux catégories d'emplois qui en sont exclues. Mais à part le fait que cette mesure apporterait un certain degré d'uniformité dans le domaine des relations du travail, il ne semble

pas y avoir tellement de raisons de l'adopter. D'ailleurs, en nombre de cas, l'uniformité est un avantage contestable. Les bénéfiques pratiques que les groupes de travailleurs en retireraient seraient nuls. Peut-être y aurait-il lieu de faire coexister deux régimes distincts de relations du travail, le régime nord-américain, fondé sur la reconnaissance obligatoire d'un syndicat une fois qu'un organisme de l'Etat l'a accrédité, et le régime du type britannique, qui se fonde sur la reconnaissance volontaire du syndicat par l'employeur. Si on devait modifier la loi pour y inclure ces groupes de travailleurs, les avantages pratiques qui en découleraient ne semblent pas valoir la peine qu'on y mettrait puisque ces travailleurs jouissent déjà de tous les privilèges des membres d'un syndicat accrédité.

L'autre problème majeur qui ressort de cette étude sur les relations du travail du secteur de la radiotélévision concerne le choix de l'agent négociateur. Il gravite autour des travailleurs de la production dont le désenchantement à l'endroit de l'I.A.T.S.E. et les défections auxquelles il a donné lieu ont mis en branle un engrenage compliqué fait d'irritation et d'inefficacité. Les travailleurs ont manifesté leur insatisfaction en essayant à plusieurs reprises de faire perdre à l'I.A.T.S.E. son accréditation et de la remplacer par un syndicat qui ferait mieux valoir leurs doléances et plaiderait mieux leur cause. En cherchant un meilleur agent pour les représenter, les travailleurs de la production ont fini par montrer qu'ils désiraient rompre leur affiliation internationale et s'affranchir de la domination d'un syndicat ayant son siège aux Etats-Unis.

Les efforts en vue de former une association nationale qui aurait eu l'appui de tous les travailleurs du pays connurent peu de succès. Les travailleurs du Québec finirent par adhérer à un syndicat affilié à la Confédération

des Syndicats nationaux (C.S.N.), qui semblait offrir la promesse d'un meilleur service. Ils n'avaient pas de représentation syndicale depuis près de deux ans et la nécessité de recommencer à négocier une convention collective en bonne et due forme commençait à prendre un caractère d'urgence: les travailleurs étaient à bout. Le problème venait du fait que le syndicat de leur choix était un syndicat du Québec qui ne jouissait pas d'un appui à l'échelle du pays. Accréditer un syndicat de ce genre, c'était sérieusement déroger à la règle admise. Même si aucun principe juridique n'était en cause, on attaquait la règle et l'usage établis depuis plus d'une décennie: les précédents et la jurisprudence avaient toujours favorisé des unités de négociation d'envergure nationale, dans le cas des entreprises relevant du gouvernement fédéral.

Dans le tumulte de l'agitation et des récriminations qui entourèrent la campagne en vue de faire dissoudre l'I.A.T.S.E. et de faire reconnaître un syndicat efficace, on perdit souvent de vue les problèmes de base. Des discussions sur le caractère distinctif que confèrent la langue et la culture, et une controverse passionnée sur le droit à la libre association, venaient embrouiller les points fondamentaux en cause, c'est-à-dire la représentation régionale et la fragmentation d'une unité de négociation reconnue et d'envergure nationale. La déception, jointe à une longue suite d'efforts inutiles, avait pour effet de fausser les réactions normales, et toute l'affaire prit l'aspect d'un affrontement entre Québec et Ottawa où le nationalisme canadien-français semblait prendre le pas sur toutes les autres données du problème.

Il est extrêmement difficile de faire des recommandations en vue de dénouer l'impasse actuelle. Il est intéressant de supposer que si l'on

s'en tenait moins rigide aux précédents, cela pourrait laisser le champ libre à la fragmentation des unités nationales de négociation et à une représentation syndicale fondée sur des critères régionaux, en ce qui concerne les travailleurs de la production travaillant au Québec. Les pressions politiques en ce sens semblent fortes, et comme la loi n'exige pas que l'accréditation s'étende à tout le pays, il semble que le fait de céder aux réalités pratiques permettrait au moins un retour rapide à un certain degré de stabilité dans un organisme si essentiel à l'unité canadienne. L'inefficacité manifeste de l'I.A.T.S.E. et son incapacité évidente de fonctionner de façon satisfaisante attirent notre sympathie envers les membres et justifient leur désir de changement. Le fait que le syndicat qui les attire le plus n'ait pas d'appui dans les autres établissements de Radio-Canada à travers le pays est un accident attribuable à la géographie et au voisinage. Ce ne saurait être une raison suffisante pour dénier à des travailleurs le droit d'adhérer au syndicat de leur choix. En outre, il y aurait peut-être lieu de réexaminer la question du nationalisme québécois en tenant compte des antécédents des syndicats internationaux dirigés et contrôlés aux Etats-Unis. Les travailleurs de Radio-Canada sont très conscients de la personnalité canadienne et s'emploient dans une certaine mesure à la favoriser. Dans un tel climat, la préférence donnée à un syndicat du pays est compréhensible.

Cependant, s'il s'agit de remplacer un syndicat international nul et moribond par un syndicat canadien efficace, il serait préférable, toutes choses étant par ailleurs égales, de choisir un syndicat ayant des appuis dans tout le pays. L'accréditation à l'échelle nationale diminue le nombre des conflits qui surgissent lorsqu'on franchit les limites des compétences. Si le Syndicat canadien de la Fonction publique prenait pied dans tout le

pays, ce serait la solution idéale. Faute de quoi cependant, et si les travailleurs du Québec restent fidèles au syndicat affilié à la C.S.N., dont l'audience se limite à la province, les problèmes administratifs que cette fragmentation posera inévitablement seront, semble-t-il, le prix que la Société devra payer pour un retour à une apparence d'ordre dans ses relations avec ses travailleurs.

Ces conjectures valent aussi pour les membres de la Canadian Wire Service Guild, s'il devient manifeste que les gestes posés récemment par les membres québécois de la Guilde pour se séparer de l'organisation-mère sont l'indice de quelque chose de plus fondamental qu'un caprice passager.

Nous avons présenté dans cette étude les principaux problèmes qui entravent le progrès des relations patronales-syndicales dans l'industrie de la radiotélévision. Plusieurs de ces difficultés sont reliées au caractère particulier de l'entreprise, et plusieurs autres ont leur origine dans des incidents historiques qui avec le temps sont devenus sacro-saints. D'autres problèmes sont reliés aux changements sociaux et technologiques intervenus dans la structure de l'entreprise. On n'a pas essayé de faire pendant à ces transformations de l'édifice social en modifiant les lois qui régissent les rapports quotidiens sur les lieux du travail.

Nous nous sommes efforcés au cours de cette étude de définir et d'étudier ces problèmes de manière à faciliter l'identification des points litigieux et à les rendre plus clairs. La solution de chacun de ces problèmes n'est pas facile et formuler des recommandations soit dans le sens d'une modification de la loi soit dans un autre sens serait faire preuve d'une présomption et d'une naïveté dont nous ne voulons pas nous rendre coupables. Certes, il y a lieu de modifier les lois du travail fédérales; mais ces lois

s'appliquent à diverses industries, et ce serait faire montre d'une extrême myopie que de recommander des modifications pour une industrie en particulier. Pour procéder à des changements de ce genre, il faut tenir compte de l'expérience de toutes les grandes entreprises relevant de la loi fédérale. Cette étude ne visait qu'à placer dans une juste perspective les problèmes qui se posent dans cette industrie en particulier.

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